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ABSTRACT

The ten papers in this document were presented at a week-long institute in 1982 and are published now because of concerns about recurring threats to intellectual freedom and First Amendment rights. Included are: (1) "Intellectual Freedom: The First Amendment and the Right To Know" (Dennis Day); (2) "How Conflicting Values Result in Challenges to Library Materials" (Nancy Motomatsu and Jean Wieman); (3) "The Legal View: The First Amendment and the Students' Right To Know" (Sherry Broder); (4) "The Role and Responsibility of the Legislator Regarding First Amendment Rights" (Mary George); (5) "Intellectual Freedom and the Right To Know: The Educator's Concerns" (Herman M. Aizawa); (6) "Intellectual Freedom and the Concerns of Religious Groups Regarding Library and Instructional Materials" (Cromwell Crawford); (7) "Public Education and the Christian Parent: New Opportunities for the Librarian" (Royal R. Fruehling; (8) "Christian Education and First Amendment Rights" (Daniel J. Dever); (9) "Creationism and Freedom of Choice: A Scientific View" (Sanford M. Siegel); and (10) "Professional Associations and Intellectual Freedom" (Sarah K. Vann). Several of the papers include bibliographic references. (EW)

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INTELLECTUAL FREEDOM

THE FIRST AMENDMENT AND THE RIGHT TO KNOW

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INTELLECTUAL FREEDOM

THE FIRST AMENDMENT AND THE RIGHT TO KNOW

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ABSTRACT

The papers in this volume explore recurring threats to First Amendment rights. The roles and responsibilities of the courts, legislators, educators, religious groups, and the library profession are examined in ten papers originally presented under the auspices of the Graduate School of Library Studies, University of Hawaii, and the Department of Education, State of Hawaii.

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Dennis Day identifies traits common to those who challenge library materials and recommends objective, effective methods of counteracting censorship.

Presenting conflicting societal values that result in challenges to school library materials, Nancy Motomatsu and Jean Wieman set forth principles for educators to follow in resolving these challenges.

Sherry Broder reviews major court cases related to First Amendment rights. She quotes from the decisions and the dissenting opinions to explain why a library collection must represent a true marketplace of ideas.

Her experience with First Amendment issues as councilwoman and senator have led Mary George to conclude that those who would limit our freedom to know and our right to choose are enemies of democracy.

Herman Aizawa sets forth the rationale for a broadening program of public education in preparing young people for life experiences.

Cromwell Crawford traces religious challenges to First Amendment rights from the eighteenth century to the political activism of today's New Christian Right.

The focus of Royal T. Freuhling's paper is the growing concern of Christian parents about the content of their children's education.

Daniel J. Dever discusses the rights of minority groups in a pluralist society in relation to First Amendment issues.

Sanford Siegel distinguishes between the roles of science and religion in advancing knowledge and enriching human life.

Sarah K. Vann delineates the American Library Association's slow and sometimes ambivalent progress toward its current enlightened policies in defense of intellectual freedom.

INTRODUCTION

The papers in this volume were presented at a week-long institute entitled Intellectual Freedom: The First Amendment and the Right to Know, held at the Graduate School of Library Studies, University of Hawaii at Manoa, in June, 1982. Educators at the time were concerned about the re-emergence of the cyclical threat to First Amendment rights that has characterized American society in the twentieth century. The intervening years have verified their concern. The threat has intensified. These papers are, if anything, more relevant today than in 1982 and equally deserving of a wide readership.

INTELLECTUAL FREEDOM:
THE FIRST AMENDMENT AND THE RIGHT TO KNOW

By Dennis Day

The New Right has been a part of our society for many years. It is only recently, however, that it has become a viable force which is able to seriously threaten intellectual freedom in a number of areas. Although the schools (textbooks, curriculum and libraries) are perhaps the most vulnerable to this threat, other institutions such as public libraries, colleges and universities, bookstores, films, theatres, publishers and television networks have faced censorship challenges in recent years.

The New Right is not a single group but rather a loose coalition of many single issue groups which share some common characteristics. Although it is dangerous to make sweeping generalizations, it is probably fair to assume that if the group you are dealing with exhibits several of the following traits, it is part of the New Right.

-- Social and political conservatism with strong beliefs in the work ethic and free enterprise system; traditional values emphasizing the role of the family and fundamental religious beliefs.

-- a "back to basics" theory of education in which history should be taught "as it used to be;" in which sex education (where allowed) should focus on the dangers of venereal disease and sex without marriage; and in which drug abuse education should be minimized; a belief in the "exposure theory" of education in which it is felt that children (and adults) are corrupted by exposure to sex and drug education -- i.e., the more you know about these things, the more susceptible you are to the ills attached.

-- a belief in the creationist theory of evolution.

-- a belief in absolutes with a denial of gray areas especially in regard to moral and ethical values; in some areas advanced mathematics courses have been challenged on the basis that they cause children to question their values by teaching that there are no absolutes.

Over the past several years, the New Right has developed highly effective strategies designed to enhance their credibility in promoting various causes. Individual groups have sponsored workshops and seminars on topics such as how to protest school textbooks, how to apply political pressure, and how to deal with the media. In addition, the groups have become quite adept at using the very principles anti-censorship groups are defending to their own advantage. Some of the tactics, or strategies, that you can expect to meet include:

-- a relatively sophisticated use of media to promote the group's cause; local groups will finance the importation of speakers who are skilled at appearing on radio and television talk-shows and in giving newspaper and magazine interviews; an added benefit to the local group is that an articulate spokesman associated with a national group can lend credibility to the local organization.

-- the use of "letters to the editor" columns in local newspapers.

-- the use of brochures, flyers and other inexpensive print media to promote the group's message; a frequent method of distribution is on cars in parking lots at churches, sporting events and other family oriented activities.

-- well prepared presentations focusing on specifics and the facts as the group sees them; sentences, phrases, etc. are quoted (often out of context) to "prove" that an item is biased, inaccurate, or otherwise inappropriate from the group's perspective.

-- a major strategy that is employed is to concentrate on things that are left out or omitted from material (especially textbooks) -- the censorship challenge then concentrates on things that the group wants included and becomes a plea for "equal time" and for a "balanced" presentation of all views.

-- New Right groups have been known to use fear and intimidation in a number of forms to attain their ends; tactics may be subtle or overt but the end result is to discourage individuals from taking a stand over an issue; some examples are threatened boycotts, pickets, smear campaigns against individuals, threats and abusive phone calls and hate mail to the families of individuals involved in censorship battles, etc. Although these

things do not always occur, it is best to be prepare to cope with them if they do.

-- literature distributed by New Rights groups tends to be highly emotional and exaggerated; it is designed to appeal to fears and frustrations that often have nothing to do with the issue at hand.

-- applying pressure to elected officials.

While it is essential to be well informed about the characteristics of New Right groups, over ninety percent of the time the most likely person with whom you will have to deal in an intellectual freedom question is a barefoot pilgrim. This is an individual who is not affiliated with any organization, who is just representing his/her particular concerns. This individual is trying to find out what we are doing, and as a taxpayer he has a right to know.

It is important to remember that each of us has issues which concern us -- issues which we feel are the most important ones facing our society. We may have differing and strong views on the Equal Rights Amendment, birth control, and ecology - just to mention a few. Libraries must represent conflicting views on many issues. We must understand, however, the impact of such a position when we are dealing with issues about which people feel deeply. Our strategy and tactics must deal honestly with the concerns of people.

In order to deal effectively with censorship challenges, you and your organization must be prepared on a number of different levels. In addition to the concrete preparations you can make, it is well to be aware of attitudes and emotions you may experience so that you may respond appropriately. The most important things you can do should be done before you ever face a censorship challenge. Some of these include:

-- the development of a material selection policy that is regularly reviewed, revised and approved by your agency's governing body. This policy should contain a clear description of the procedures to be followed in the event that any material is challenged.

-- the establishment of good working relations with local elected officials. Take advantage of all opportunities to inform

officials of your institution's contributions to the community.

-- the development of an honest, and open relationship with the media. Establish your credibility and maintain it; understand the reporter's responsibilities in presenting news and be as supportive as possible.

-- the development of a coalition of local organizations which have similar interests in defending First Amendment principles. This will provide you with broad based support when needed, provide a vehicle for coordinating efforts, and take advantage of existing communication networks to disseminate information regarding First Amendment issues.

-- the maintenance of an effective community relations program designed to provide your institution with high visibility in the community.

-- a commitment to come to the assistance of other institutions and individuals engaged in censorship challenges.

-- the development of a training program for your staff that focuses on dealing positively with individuals during periods of potential confrontation.

Perhaps the most important thing you can do to prepare for censorship challenges is to do your homework. Keep informed of the activities of New Right groups around the country, identify their leaders, and discover as much as possible about their concerns, motives and objectives. The more you know about the philosophies and beliefs held by the members of these groups, the more able you will be to engage in meaningful dialogue when the time comes to do so. You will, of course, be most interested and concerned with identifying and learning about local New Right groups and their areas of greatest concern.

Whenever possible, avoid the development of an adversary relationship with concerned citizens, New Right groups and their leaders. It is much more productive to work toward developing a relationship based on mutual respect -- in many instances, the persons you encounter are sincerely concerned about what they perceive to be the moral decay of our society. The more you understand why they have the concerns they do, the more easily you will be able to relate to them as individuals with serious concerns rather than to a group image which may be somewhat less than favorable.

If you have adequately prepared yourself and your institution, when an item is challenged you will immediately put into motion the plan which you have developed to deal with these cases. This plan or procedure is clearly outlined in the materials selection policy. At the time the patron objects to the material in question, he should be given a copy of the material selection policy so he will be aware of the criteria used in selecting material and the process that takes place when a challenge occurs. A review committee will be appointed and the material carefully evaluated in relation to the selection policy and in regard to the patron's objections clearly and precisely. The response should also include the recourse the patron has if he wishes to pursue the matter further. In some cases, it may be beneficial to meet personally with the patron. The opportunity to discuss in a dignified way one's concerns could lead to greater understanding and respect on the part of everyone concerned. Just as it is the patron's right to voice his objections, it is the institution's responsibility to respond to those objections in a meaningful way.

Although it is tempting to go all out in meeting censorship challenges, it is detrimental to do this unless the case cannot be satisfactorily resolved between the patron and the institution. Too many "false alarms" blunt your case when you really need to get your message across and outside involvement forces people, and institutions, into taking hard-line positions from which it is very difficult to retreat. It is never useful to force issues or place people in positions where they will lose face by backing down.

In dealing with the media, it is essential to be as open and honest as possible. Select an articulate spokesperson who will be able to explain your position and express your concerns in a calm and restrained manner. It serves no good purpose to humiliate or demean persons or groups challenging material. Although one must be prepared to answer specific charges brought against material, it is generally not useful to be drawn into endless debates on "what is pornography?" or what constitutes local "community standards." It is important to stress the principles involved in the challenge and to point out the First Amendment implications of censorship as well as the institution's responsibility to provide access to information for all segments of the community.

When talk-shows or program interviews are scheduled, alert members of your coalition so that concerned individuals may plan to attend or participate in the program. Plan ahead and prepare a list of questions to ask guests and statements that clearly express your point of view. Do not allow the opposition to "stack" or otherwise dominate electronic media programs thereby giving the impression that they are in the majority.

The preparation of press packets may be useful in disseminating information especially if it is important that the media have immediate access to policies, procedures, and supporting documentation so they may be accurately described.

Remember, however, to keep things in proportion -- it is usually not necessary to shoot a fly with an elephant gun.

HOW CONFLICTING VALUES RESULT IN CHALLENGES TO LIBRARY MATERIALS

by Nancy Motomatsu and Jean Wieman

One view...

> ...The Bible teaches principles that have served to guide people for hundreds of years.
>
> ...My children don't need schools to emphasize the sordid aspects of life.
>
> ...It is the role of the schools to teach the basic skills...reading writing and arithmetic.

Another view...

> ...Students should be exposed to more than the Bible. They must have the opportunity to explore a wide variety of ideas and thoughts.
>
> ...Students need to be able to deal with the real world as it is, which is often not the world we would like.
>
> ...Citizens in a democracy need more than the basic skills; they must be able to make informed decisions and critical judgments, and to think for themselves.

Exaggerated only slightly, the diverse perceptions above are manifestations of a continuum that expresses differing individual societal values, expectations, and desires. These differing, often conflicting, views are usually deeply rooted in family and moral values, rules and roles. It has been said that before children enter first grade they will have participated in over 25,000 hours of verbal reinforcement of such family values, structure and

behavioral expectations. For many adults, childhood is perceived as a time of questioning and openness to new and unfamiliar experiences, different from those available within the family structure. Sometimes parents may deliberately arrange these experiences in order to expose their children to the "real world" that they may encounter as they grow in independence. Other parents may feel the need for surrounding their children with the old, the tried and true, and the familiar. Reinforcement of the established family values -- minimizing the exploration of ideas and experiences which do not conform to this set of rules and values -- provides a measure of security in an upsetting world. This view of education emphasizes the transmission of traditional values or indoctrination theory as contrasted with the view of the school as a "marketplace of ideas."

The broad purposes of American education have evolved over many decades. These principles have been defined, refined, tested, and approved by not only the educational establishment but by parents and society in general.

Statements of educational goals or principles today typically include phrases such as:

> Develop the skills necessary for critical thinking and effective decision making; Accept and appreciate the cultural diversity of our community and the world; Understand and appreciate the values and traditions of our American democratic heritage.

As educators it is difficult for us to understand that the above fundamental purposes of education might be open to challenge. But as these principles are translated into actual educational practice, the potential for conflicts relating to common educational values and, therefore, the ideas presented in many educational materials becomes explosively apparent.

IF WE SAY...

We believe that our schools should present information on all sides of an issue. How, then, do we respond to the family whose basic fundamental values will not allow consideration of more than one view...the "right" one?

IF WE SAY...

We believe that our students should know how other people around us act, feel and believe. How, then, do we respond to the family which believes that schools should select only literature which reinforces the ethical or moral teachings of their own family?

IF WE SAY...

We believe that a prime purpose of education is to encourage students to think for themselves. How, then, do we reassure those parents who fear children thinking for themselves?

Many of these strongly held educational values -- teaching children to be critical thinkers, preparing students to live in a global and pluralistic society, helping children make wise decisions about their own lives -- in fact, any educational goal outside of teaching basic skills and facts, may be perceived as an attack on certain personal or religious values.

To those of us in library media positions in the schools, the conflicts may manifest themselves in challenges concerning what books should or should not be housed in our libraries, what magazine subscriptions should be purchased, what is "appropriate" reading for a seventh grader but not a sixth grader. In the broader concept, however, the conflicts are based on different perceptions regarding the purposes of education.

For some adults, freedom of thought and the need for children to question and to think critically for themselves is a threat to their own belief of right and wrong, and the possible distressing loss of certainty. For those adults, the world today is perceived as two absolute camps -- right and wrong. There is no place for ambiguity. In the view of adults who regard much of what they see in the "outside" world as ambiguous or unacceptable, exposure to books and ideas which run counter to their own beliefs and values is dangerous to the immature minds of children. In the view of such people, a "right" education is viewed ... "as a process by which young people are indoctrinated with facts certified to be danger-free, while being protected from exposure to information that might challenge orthodox interpretations ..." [1]

The above perspective of the educational process leads inevitably to challenges to instructional materials and programs. The challenges to instructional materials seem to center on four major areas:

Disrespect for traditional and orthodox conceptions of God and the Bible. "The Gabler theory is this: 'Allowing a student to come to his own conclusions about abstract concepts creates frustration. Ideas, situation ethics, values, anti-God humanism—that's what the schools are teaching. And concepts. Well, a concept never will do anyone as much good as a fact.'..." [2]

"Parents have the right to expect schools to permit voluntary prayer and teach the 'fourth R' [right and wrong] according to the precepts of the Ten Commandments" ... Eagle Forum [3]

"Textbooks have become absolutely obscene and vulgar. Many of them are openly attacking the integrity of the Bible." ... Jerry Falwell [4]

Vulgar language, sex and sex roles. "Our textbooks deceive our young people about premarital sex, about the role of the father and the mother in the home, and even about history." ... Jerry Falwell [5]

Disrespect for authority. "Social scientists are virtually unanimous in agreeing that an individual's behavior is learned. Hence, rebellious students--those disrespectful of their parents, unappreciative of their benefits and blessings, without incentive to rise above demoralizing influences--have been taught these concepts. By whom?...You be the judge after you've examined a few of the textbooks your children are using." ... Mel Gabler [6]

Advocacy of moral relativism. "When a student reads in math book that there are no absolutes, suddenly every value he's been taught is destroyed. And the next thing you know, the student turns to crime and drugs." ... Mel Gabler [7]

Statements such as the above are based on misinformation or often generallized from a particular personal experience. Quotes

are taken out of context from materials but are picked up and used as truth. They become, in the minds of many, justification for attacks on the schools, educational programs, and numerous instructional materials.

Many state and national organizations have focused on these and similar concerns and used them to fan the fears of members and individual parents. These concerns and fears are used as basis for organized attacks not only on specific educational materials, but on educational goals as well. The educational goals listed below are typical, as are the objections to them.

...encourage open and democratic discussion of issues

Typical objections to this goal:

It erodes the authoritarian role of the teacher.

It leads to discipline problems.

It is an invasion of privacy.

It is not necessary for learning basic skills and facts.

...help students appreciate and value cultural differences

Typical objections to this goal:

Some of the facets of other cultures are not acceptable.

Our own culture should not be presented as inferior.

America is a "melting pot" and other cultures should be assimilated.

...understanding ourselves and the society in which we function

Typical objections to this goal:

It intrudes into family privacy.

It teaches negative aspects of society, i.e., drugs, sex, poverty.

It undermines the authoritarian role of the teacher.

It promotes government interference.

Objections such as the above may result in challenges not only to what we teach—that is, the content and the instructional materials--but also to the instructional methods and strategies that are used today. It is little wonder that educators are experiencing an increasing number of attacks and challenges.

How can educators deal with these challenges as they occur? How does one accommodate parents' differing value systems regarding their children's education? How does one maintain understanding and sensitivity when facing values that conflict with one's own?

There are no simplistic answers. Accommodation of differences this fundamental are indeed difficult. There are, however, some essential principles one should always keep in mind:

1. Accept the fact that dissent is a normal and natural part of our democratic heritage and process of decision making. The public schools are a logical focus of discontent since they are supported by public tax dollars and are an institution enthrusted with the education of young children.

2. Base all decisions on sound and defensible educational policy. If we as educators cannot justify our decisions on proven educational principles, theory, and practice, we are, indeed, on very shaky ground when our decisions are challenged.

3. Adopt and revise policy statements only after broad and in-depth community involvement. It is important to work effectively with advisory groups which represent the total community: the old and the young, church members and non-church members, the educated and the uneducated, the affluent and the poor, the business community and the service receivers, etc. A study of the community, its makeup and its mores, may show that the community has changed over the years. Educational expectations may have changed also. Educators must develop directions and plans

that represent the greatest degree of community consensus, while testing the plans continually against sound educational principles and practices.

4. Provide broad and continuing staff development. Secretaries, custodians or board members are often the first to hear complaints. Since the board is generally the final authority, members must be prepared to deal with the problem. Workshops should focus on dealing constructively with all complaints and emphasize the need to respect differing value systems. All staff members must be informed regarding both their rights and their responsibilities.

5. Develop and implement communication plans within both the school district and the community. All programs and plans should be understood by board members, staff and community. There should be opportunities for parents and the community to review new programs and materials prior to their adoption or use. Pressure groups are generally reacting to a change or promoting a change in the status quo. Changes often result in conflict because change is unsettling to established life styles, values, and interests.

In addition to the above, the following suggestions will prove helpful to library media specialists:

1. Write down and file a brief rationale for materials that could result in a challenge.

2. Be certain that all materials are selected and reviewed according to established policy and procedures.

3. Select materials that assist in implementing instructional objectives and be able to identify which instructional objectives are met through use of the materials in question.

4. Suggest that teachers offer alternatives in preparing class assignments and reading lists, and help them identify appropriate alternate materials to meet the objectives.

5. Consider the maturity level of the students in selecting materials: their intellectual, emotional and social development levels. Emphasize that the library collection represents a diversity of views. It is important that all

points of view on important issues are included, even those contrary to the librarian's own preferences.

6. A well-prepared, formally adopted policy for selection of all materials is crucial. The policy should be broadly written, selection criteria specified, responsibilites identified, and procedures for both selection and challenges outlined in detail. This policy must be consistent with the overall district philoshopy and goals, and all staff in the district must not only be familiar with it but follow all of the steps outlined.

Research shows that districts having well-defined policies and procedures are more likely to retain materials that have been challenged. If the challenge is not settled during the very early stages, subsequent questions will focus on "What are the legal requirements for selection of materials?" and "Were the adopted procedures followed by all parties?"

Neither anticipating challenges nor thorough planning will eliminate all objections. As library media specialists, we cannot independently make decisions which affect students. We must involve staff, parents, and citizens in the decision-making process, in the selection of materials and classroom offerings, and in the clarification of student expectations and educational goals.

Open communication between the school and the community can only be attained through mutual cooperation and understanding. It is hoped that this process will result in one educational goal on which we all agree: A major purpose of education is to help students think critically and make decisions based on the best and most complete information available.

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THE LEGAL VIEW: THE FIRST AMENDMENT AND THE STUDENTS' RIGHT TO KNOW

by Sherry Broder

Today I am going to be discussing the legal aspect of the First Amendment, which provides:

Congress shall make no law ... abridging the freedom of speech ...

The preeminent position of the First Amendment as the first article of the Bill of Rights demonstrates the commitment of the founders of our nation to this principle. (See also letter from J. Madison to W. T. Barny [Aug. 4, 1882] reprinted in writings of James Madison 103 [G. Hunt ed. 1910]. The courts view the First Amendment as performing the function of protecting the individual and society from government regulation of thoughts, ideas, expression and behavior. It is thought that free expression is one of the fundamental tools of a democracy because it preserves the individual's access to competing ideas which then form the basis of his or her decision on how to vote in the potical arena. Mr. Justice Douglas, the greatest champion of the First Amendment, expressed this right to receive information as the the "right to know." (409 U.S. 988 at 999 [1972], denying certiorari to President's Council Dist. 25 v. Community School Board No. 25, 457 F.2d 289 (2d Circuit 1972) (Douglas, J. dissenting).

The Courts have not adopted a laissez-faire approach to the First Amendment, that would hold that everyone should be entitled to all freedoms in equal degrees. (John H Garvey, "Freedom & Choice in Constitutional Law," 94 Harvard Law Review 1756 [1981]. The laissez-faire position would hold that there need be no special rules for those unable to choose wisely. Even the youngest child would be entitled to the same constitutional freedoms as an adult. Obviously, foolish choices would be made; and the Courts have decided that some regulation is needed in order to protect children from the consequences of foolish choices.

During the past two decades, we have witnessed attempts from many segments of our society to keep books, texts and other

curricular materials out of school classrooms and libraries, or to remove some that already were there, or to keep teachers from talking about particular subjects.

Traditionally, the judiciary has been reluctant to interfere with the authority of the school board over curriculum and teaching methods, preferring to defer to school board expertise in educational matters. In Hawaii, the public school system is governed by the Board of Education. Judges are usually reluctant to impose their views over those of popularly elected school officials. However, the Supreme Court, recognizing the important nexus between the objectives of education and freedom of expression, has ruled that judicial restraint in educational matters is inappropriate when fundamental values of freedom of speech and inquiry are at stake. (Tinker v. Des Moines Independent Community School District, 393 U.S. 503 [1969] 1981).

In recent cases, the federal courts have had to determine if students have a constitutional right to know, and if so, whether the removal of books violates that right. And given a constitutional violation, whether the state's interest in education was sufficient to overcome such infringement.

Recently a number of school boards and school authorities in other states have removed books from the school library. Some of the great classics in literature have been banned. In Jonesport, Maine, John Steinbeck's novel In Dubious Battle was banned from the classroom after a parent complained of the harsh language used. This novel, set in the Depression, is about migrant workers in California who try to organize a labor union. It is still in the school library (Honolulu Advertiser, April 19, 1981, D-12).

Other books that have been banned are 1984, by George Orwell, Brave New World, by Aldous Huxley, The Catcher in the Rye, by J. D. Salinger, Of Mice and Men, by John Steinbeck, One Flew Over the Cuckoo's Nest, by Ken Kesey.

In Baileyville, Maine, the school board banned 365 Days, a compilation of Vietnam War accounts by American combat soldiers, from the school library because some of the language used was objectionable. The U.S. District Court for Maine enjoined the school board's action. The Court reasoned that the First Amendment, as preferred right, would require the ban to be as "minimally intrusive" on the First amendment as it could be. This total ban was too broad for it applied to "mature as well as immature student, regardless of age or sophistication" and

prohibited peaceable possession of private copies "anywhere on school property, including buses." (Scheck, et al. v. Baileyville School Committee, et al. 530 F. Supp. 679 [District of Maine, 1982]).

In Forest Lake, Minnesota, the school board banned a film version of the short story "The Lottery" by American author Shirley Jackson, in which a small town randomly selected one person to be stoned to death each year. The board argued that the film placed an exaggerated and undue emphasis on violence and bloodshed that was not appropriate or suitable for a high school class. The Eighth Circuit ruled that the board failed to carry its burden of establishing that a substantial government interest existed for interfering with the students' right to receive information. The Court even found that the facts did not support the contention that the film graphically emphasized violence. Most importantly, the Court pointed out that no systematic review of violence in the curriculum had been undertaken by the board; no other materials had ever been removed by the school board. The Court reviewed the sequence of events and concluded that the board eliminated the film because it agreed with those parents who considered the film's ideological and religious themes to be offensive. This rationale was not permissible. The fact that the short story was available in printed form and a photographic recording did not save the ban from being an unconstitutional restraint on protected speech. The Court thought that the ban would produce a "chilling" effect. The symbolic effect of the ban was thought to be more significant than the resulting limitation of access to the story. (Pratt v. Independent School District No. 831, Forest Lake, Minnesota, 670 Federal 2d 771 [8th Cir. 1981]).

Other federal courts have reached opposite conclusions. President's Council v. Community School Board No. 25, 457 F. 2d 289 (2nd Circ. 1971), Cert. denied, 409 U.S. 998 (1972) was the first case to consider whether a school board could remove books from a school library. The Queens county, New York, School Board voted to remove Piri Thomas' Down These Mean Streets from junior high school libraries despite the fact that all but two of the sixty-three speakers favored retention of the book. The book is an autobiographical account of a Puerto Rican child growing up in Spanish Harlem and contains descriptions of sex, violence, and drug encounters. It was chosen for the library in order to expose the students to an environment quite different from their own. Apparently, the board removed the book solely because its language and descriptions offended some people in the

community. The Second Circuit, in a unanimous decision side-stepped the constitutional aspects, preferring instead to frame the issue as one concerning the proper party to make the final decision on library resources. Judge Mulligan, writing for the Court, declared that someone had to bear the responsibility of book selection and prescribing curriculum and, since school boards were statutorily empowered to operate the schools, they were the appropriate body to make the determination. The Court stated that the administration of any school library required constant selection and winnowing of books based on financial, architectural, and educational needs and that such shelving and unshelving did not present a constitutional issue.

An opposite conclusion was reached by the Sixth Circuit. In Minarcini v. Strongsville City School District, 541 F. 2d 557 (6th Cir. 2976), the board of education passed a resolution to remove Heller's Catch 22 and Vonnegut's Cat's Cradle from the school library. No official reason was given for the removal; the only apparent explanation was contained in the minutes of the board meeting in which the books were described as "completely sick" and "garbage." Judge Edwards rejected an absolute right of a school board to remove from the library any books it regarded with disfavor. Judge Edwards reasoned that the library was a valuable adjunct to classroom discussion and that, when books were banned from the library, the student's academic freedom and right to receive information was infringed. Removal of books from the school library had to be based on actions neutral to the First Amendment and school boards could not remove books solely because the boards' members objected to their socio-political content.

In Chelsea, Massachusetts, another controversy arose when the school committee caused the removal from the high school library of an anthology of writings by adolescence entitled Male and Female Under 18 after a parent objected to the language in one of the selections, "The City to a Young Girl." The school committee, in this case, did submit to the court educationally-based reasons for the removal though the record indicated the committee members considered the book offensive, "filthy" and "obscene." In Right to Read Defense Committee v. Chelsea School Committee, 454 F. Supp. 703 (D. Mass. 1978), the Court adopted the reasoning of the 6th Circuit that there are boundaries to a board's authority to remove books. It found no contention in improper selection, obscenity, or limitations of rsources such as shelf space or money. Using the Tinker case, the court formulated a standard requiring that, when First

Amendment values are implicated, officials seeking to remove the book must demonstrate a substantial and legitimate government interest. The standard does not require the board to prove the book's presence in the library is a threat to school discipline, but it must show an interest comparable to school discipline is at stake. The court recognized that the opportunity to read and to be exposed to controversial ideas was subject to the protection of the First Amendment.

The first case to reach the United States Supreme Court stems from a seven-year dispute in Long Island, New York. This case was argued before the court in April, 1982. The school board removed nine books, including novels by Bernard Malamud, Kurt Vonnegut, Langston Hughes, Richard Wright, and Eldridge Cleaver. Several students filed a civil rights action. The federal court, Second Circuit Court of Appeals, found that the books were removed solely because they presented values and viewpoints antithetical to those of the school officials, and not because the books were considered educationally inappropriate. They pointed to the fact that no concerned school official had read them; "mimeographed quotations collected by anonymous readers" were relied on "whose editorial comments revealed political concerns reaching far beyond the education and well-being of the district's students." ("Board of Education, Island Trees Union Free School District No. 26 v. Pico), 638 F. 2d 404, rehearing denied 646 F. 2nd 714 [2d circuit 1982]).

The question before the Supreme Court was to decide whether to allow the trial to proceed. The school board's attorney argued that there is no constitutional basis to challenge a determination by a school board on what the school library should contain. If the Supreme Court had agreed with his argument, there were to be no legal issue and thus no need for a trial. The district court agreed with the school board's attorney on this issue.

Before the Supreme Court, the school board's lawyer argued that the fact that a school board might follow its own social, moral and poltical values in making curricular decisions should not be subject to review by the judiciary. Justice Sandra Day O'Connor asked, "If a school board removed all books referring to Republicans because it was a good Democratic board, should that be unreviewable?"

The school board's lawyer also argued that a school board should be able to "sanitize a whole body of thought' by removing

all books on that subject. In response to a question by Justice John Paul Stevens, he stated that if the board members disapproved of the word "ain't", their decision to remove all books containing that word should withstand constitutional challenge. The students' lawyer, pressed by several Justices to define the point at which the Constitution sets limits on educational decision-making, said: "If they decide Silas Marner is a better book than The Fixer there is no constitutional problem. But if they remove The Fixer solely because it contains a passage that offends certain groups, then the Constitution is involved." The Fixer is the Malamud novel the school board took off the shelves. (The New York Times, March 3, 1982, A22.)

The decision in this case should be particularly interesting since Justice Lewis F. Powell is the former chairman of the Richmond Board of Education.

Any form of censorship of books and films in the schools must be premised on the rationale that the state must 'protect' children from doing those things adults have a constitutional right to do. Paternalistic restrictions by the state can be justified only on the assumption that the individual's choice is not entitled to the same respect, and to the same constitutional protection, as the adult population. It is important to tread carefully in this area. Obviously many minors under eighteen are able to make rational decisions and possess the necessary judgment.

Because the First Amendment is a fundamental right, I predict that the Supreme Court will settle on a test that would permit the state the least intrusive method of control. The Supreme Court is expected to issue a decision later this month. (NOTE: The Supreme Court decided this case on June 25, 1982. (102 S. Ct. 12799 [1982]). The Court found that (1) local school boards may not remove books from school library shelves simply because they dislike the ideas contained in those books and seek by their removal to prescribe the orthodox in politics, nationalism, religion or other matters of opinion, and (2) issues of fact existed as to whether the school board exceeded constitutional First Amendment limitations on the board's discrimination to remove books from school libraries. However the Court also concluded that school boards might rightfully claim absolute discretion in matters of curriculum by reliance upon their duty to inculcate community values in schools. However, the Justices were divided over this reasoning. Justices Brennan, Marshall and Stevens joined in the plurality opinion and Justices Blackmun and White concurred.

Although Justice Blackman agreed with the plurality opinion, he refused to subscribe to the idea that school boards have absolute discretion in curriculum. Rather, the principle that ". . . school officials may not remove books for the purpose of restricting access to the political ideas or social perspectives discussed in them, when that action is motivated simply by the officials' disapproval of the ideas involved. . . " (at 2814) was viewed by him as a general principle governing curriculum and academic materials as well as the library.

Justice White only agreed that the Second Circuit decision to remand to the trial court for further proceedings was correct. He did not issue any statements on his view of the First Amendment in this context.

Justice Rehnquist urged the Court to adopt the principle that ". . . the role of government as sovereign is subject to more stringent limitations than is the role of government as employer, property owner, or educator. It must be recognized that the government as educator is subject to fewer strictures when operating an institution of higher learning." (at 2835) Fortunately, no other Justice agreed with this principle which would form the basis of denying school children any First Amendment rights. Justice Rehnquist unequivocally concluded that "[T]he idea that such children have the right to access, in the school, to information other than that thought by educators to be necessary is contrary to the very nature of an inculcative education." (at 2832). If we were to adopt Justice Rehnquist's concept of the "inculcative education" for our children, I believe that we would have a facist edcational system for our children.

Chief Justice Berger, Justices Powell, Rehnquist and O'Connor filed three separate dissenting opinions.

The Supreme Court has held that obscenity is not constitutionally protected. (Miller v. California, 413 U.S. 15 [2973]). The child's right of access to ideas, at least those that are vulgar or pornographic, can be specially limited because a state might rationally conclude that such matter impairs the child's "ethical and moral development." (Ginsberg v. New York, 390 U.S. 629, 641 [1968]. See FCC v. Pacifica Foundation, 438 U.S. 749-50 [1978] [vulgarity]).

It is accepted that a variable standard in determining what is obscene can be used for minors. (Ginsberg v. New York, Supra)

The physical condition of books could justify removal, such as defaced and obsolete books. The practical limitations of inadequate shelf space in the library could also justify removal.

Censorship is most easily inferred and proven when a book is removed from a library shelf. Censorship in the book selection process, of books never allowed to reach the library shelf, is much more difficult to ascertain. This is an area that thus far has not reached the courts and this is the other area of particular concern to librarians. The foremost considerations in the selection of library books should be their relative educational values and their ability as a whole to give access to all points of view. Since these are all subjective matters, the decision of who is to select the books should be a very important decision in the educational system. Obviously, professional educators and librarians are well qualified to select books based on educational criteria. However, selection by state-employed profesionals alone would leave the state in total control of the education process, with no input from the community and those most affected by the education process—the students themselves.

Recent controversy has also focused around the teaching of Darwinism and sex education in the public schools. At last count, the legislatures of twenty-two states had before them bills that would mandate the teaching of creationism along with evolution. In Arkansas, the state legislature passed a law which required the "balanced treatment" in the public schools of creation science and evolution, Ark. Stat. Ann 880-1663 et. seg. (1981 Supp.). The ACLU challenged this law. The Arkansas law was drafted in the hopes of withstanding constitutional challenge. Earlier laws had involved religious grounds for teaching creationism. The Arkansas statute disclaims a sectarian foundation; "This act does not require or permit instruction in any religious doctrine . . ." Creation science is defined as, "The scientific evidences for creation and the inferences from those scientific evidences." Federal Judge Overton in Arkansas decided that creation science was not a science. He concluded that the law was an effort to introduce the biblical version of creation into the public school curricula because anyone who attempted to teach it and explain how the earth came to be created in seven days and why the earth was only several thousand years old would be obliged to look to Genesis for answers. The reference to Genesis would necessariy involve a religious matter. The court found that such

a reference would violate the Establishment Clause of the First Amendment which provides that there must be a wall of separation between the government and the church. Rev. Bill McLean, et al. v. Ark. Board of Education et al., 529 F. Supp. 1255 (D. arkansas, 1982).

Louisiana adopted a law with the same objective - but different enough to warrant another legal test of its constitutionality. A Court battle has begun. The Mississippi Senate approved a "balanced treatment" bill and the House of Representatives in Georgia and Florida are considering similar laws. (New York Times), March 7, 1982, EY 19).

In California a legal challenge was brought by the Creation Science Research Center against curricula which stresses the Darwinian view of life's beginnings. The trial court dismissed the complaint, but in the process it ordered the State Board of Education to reaffirm its 1972 position that creationism be taught as "theory" rather than as "dogmatism." This decision suggests that alternative theoretical accounts of the origins of life (notably the creationist account) are acceptable alternatives to evolution theory [Seagraves v. California], No. 278978, Sacramento Superior Court, [June 12, 1981].

In Maryland a challenge was brought in 1969 to teaching of sex education in the schools. The federal court reasoned that the state's interest in the welfare of the child outweighed any claims of parental right of control. The state's substantial interest in the health of its children superceded parental rights. (Cornwall v. State Board of Education 314 F. Supp. 340 D. Md. 1969). Today, because of the facts that nearly 1.2 million teenagers become pregnant each year and that venereal disease is on the rise, the issue continues to be an important subject of debate in the public forum.

Before concluding my remarks, I would like to leave you with another thought-provoking question regarding censorship of books. To what extent can we keep books in the library or the classroom because they express ideas of racism and sexism that were prevalent at an earlier time in American history even though the ideas of racism and sexism they espouse have become abhorrent to us?

At Mark Twain Intermediate School in Fairfax County, Virginia, The Adventures of Huckleberry Finn by Mark Twain was removed from the school curriculum by the principal after a

unanimous recommendation of the faculty Human Relations Committee based on their objection to the "Flagrant use of the word 'nigger' and the degrading way in which black people are portrayed in the book." (Honolulu Advertiser, 4/9/82, B-2). Yet Georgetown University English Professor Thomas Walsh said that this book is recognized as one of the greatest works of American fiction. The Fairfax County Education Association, a teachers group, argued that, despite the fact that the word 'nigger' is wrong and immoral by today's standards, many teachers feel there is a need to teach students about feelings and events in history.

Many groups interested in the advancement of women argue forcefully that women should be treated fairly in curricula. They wouild like to see Title IX of the Education Amendments of 1972 (20 USC 1681) which prohibits sex discrimination in federally-funded programs applied to ban sexist or sex-stereotyping textbooks. The Department of Health, Education and Welfare proposed regulations to this effect but the final regulations did not address the issue.

In conclusion, I would like to say that the state, through the compulsory school system, already enjoys a virtual monopoly over curricula and textbooks and over the exposure students get to various ideas. Under such circumstances, it is vital that the library be a true marketplace of ideas, open to the works of controversial authors, differing literary tastes and dissenting points of view. Children should be treated as persons and have ready access to the broad sweep of ideas and philosophies. The danger is not exposure; the danger is in mind control.

The Supreme Court has endorsed the view that the exercise and protection of the First Amendment for children will assist their development into mature adults capable of democratic self-government.

In Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), the Supreme Court held that high school and junior high school students, aged thirteen to sixteen, were deprived of their freedom of speech when they were suspended for wearing black arms-bands to protest the Vietnam War. The court thought free speech important not because Washington waited on the outcome of the school's foreign policy debate, but because free speech played a role in the students' own development: Their reasoning is still applicable today and summarizes my thoughts on this important issue. I quote: "The Nation's future depends upon leaders trained through wide

exposure to that robust exchange of ideas which discovers truth 'out of a multitude of tongues, (rather) than through any kind of authoritative selection.'" (At 512, quoting from Keyishian v. Board of Regents, 384 U.S. 589, 603 [1967]).

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THE ROLE AND RESPONSIBILITY OF THE LEGISLATOR
REGARDING FIRST AMENDMENT RIGHTS

By Mary George

First off, I must tell you that I am flattered and a little overwhelmed to be asked to talk to you on a subject about which I think of you not just as the experts, but as the front-line defenders.

I am not only inordinately flattered, I am grateful to you, because preparing myself to talk to you has been something of a mind-stretcher for me, and I have had to put together solid and logical support for certain legislative evaluations I have been making on a somewhat casual basis. Fortunately, those decisions and evaluations have matched pretty well with my subsequently-achieved rationale, but I really do not approve of this backward way of justifying earlier actions.

But better late than never, and I ask your patience in following me back to something more fundamental than a recital of legislative proposals with first amendment implications.

As I thought about this heavy-duty topic, I kept moving into simpler and more basic definitions and concepts and finally startled myself with an interpretation which is very new to me. (All of you probably got past this in kindergarten.) What I came up with is an insulting characterization of those who would censor, those who would limit our freedom to know and our right to choose: <u>They are enemies of democracy.</u>

Because so many of the current exponents of narrowing our freedom to know wrap themselves so lovingly in the flag, I imagine they would be outraged to be called anti-democracy. Unpatriotic? I truly think the book-banners, the guardians of TV purity, and the bestowers of fig leaves see red white and blue American patriots when they look at themselves in the mirror.

But I do not think there is any way of getting around it. If you believe in democracy, if you believe the system works now and will continue to serve us well, you must believe that people generally are capable of making good decisions and sound judgments.

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Take what's going on now -- this is an even-numbered year, which means that all sorts of incumbent and would-be politicians are clamoring for your attention. The system says that the people, the electorate, will be able to sort out the bits of this blizzard of words, pictures, and impressions, and in their majority select those who will best represent them as members of government.

Some might call this biennial exercise a triumph of hope over experience, but we have to remember another aspect of our democratic system. It provides the opportunity to correct errors if the majority choice turns out to be a lemon. (As a politician, I have to admit reluctantly that this sometimes happens.) Whether it is an unfortunate amendment to our federal constitution (as prohibition turned out to be) or a public servant who turns out to be something of a boil on the body politic, the system lets us get rid of the mistake. It is important to remember that the correction, like the original choice, is made by judgment of the citizens. The people evaluate the performance of the politician in office, and if their collective judgment finds that person wanting, he is replaced. The people who scrubbed the prohibition amendment from the U.S. Constitution are the same people who originally supported the 18th amendment a noble improvement.

If you do not believe in the free availability of the full assortment of ideas from which to choose, you can hardly set yourself up as a believer in democracy -- a political system firmly rooted in faith in the people to make their own decisions.

Which brings us to another basic aspect of democracy -- and of freedom -- the freedom to make mistakes. First, who is to say what is a mistake? I found myself re-phrasing that idea somewhat along these lines: the freedom to pursue what <u>you</u> think is a mistake, perhaps, but which <u>I</u> think is the greatest thing since indoor plumbing is a basic attribute of democracy.

As long as I have already called the censors, the limiters of the right to know, unpatriotic and enemies of democracy, I will toss in something less perjorative and liken them to parents.

One of the hardest things for parents to do is to relinquish their role as censors, because they see it as part of their duty to protect their children from the manifold perils of the world outside the nest.

Some parents provide more protection than others. Just as some mommies keep their kids in the house lest they climb too high in a tree and break an arm, or jump off the garage roof wrapped in a Superman cape, some mommies (and daddies) shield their kids against some of the vicarious experiences to be found in books as well as the realities of the exciting and perilous world.

But sooner or later the kids get too big for the apron pocket, and ready or not, the real world has to be met. I think most of us would agree that the kid who is allowed to bump into reality, to explore the world through reading to make the mistakes that are the stair-steps to maturity, is better prepared for life than the kid who is insulated from what parents think of as the unpleasant aspects of the world.

In a way you have to admire as well as deplore the efforts of the censors as well as the parents who believe in this kind of protection. They are prompted by the noblest of sentiments. Their motives are highly idealistic; they are sure they are making the world a better place for others, as well as for themselves to live in. They are truly persuaded that purity can be achieved through ignorance.

One of the distressing aspects of this difference of opinion between the censors and the right-to-know people is that--to the casual eye--all the ammunition is on their side.

When our moralistic reformer friends say, "All we want to do is take away disgusting pornography and offensive filth," what are we supposed to say? "I like filth; leave me my pornography and I feel so strongly about it that I'll take you to court so I can keep it available."

In a sense, we are left weaponless because when they argue passionately in the high-decibel range that they want to curtail our freedoms we have to defend their right to make the argument and make sure they have a stage from which to proclaim their doctrine. We may have to swallow hard--but as self-proclaimed freedom-lovers we have to protect and defend them.

Sometimes we have to swallow hard. For some of us it's a stretch from the classic Voltaire quotation -- "I disapprove of what you say, but I will defend to the death your right to say it" -- to defending the right of the neo-Nazis to march in a Jewish

neighborhood, or the right of the Klansmen to assemble in a Black community.

I needed a quotation to emphasize the point that the rights of every citizen depend upon the rights of all citizens being guaranteed under the law. I had a particularly difficult time locating it, even though I had the circumstances, the author, and even a pretty accurate paraphrase well planted in the back of my mind. I tried to track it down through the Legislative Reference Bureau, the Senate Minority Research staff, the ACLU, and even my favorite scholar, Dr. Allan Saunders, and came up empty-handed. It was Pat Tanaka at the know-it-all desk of the main library who turned it up for me. I thought this library-oriented audience might like to share this small success story. What Pat found for me says far better than I could why we have to defend these turkeys and their tacky activities:

"First, the Nazis went after the Jews, but I was not a Jew, so I did not object. Then they went after the Catholics, but I was not a Catholic, so I did not object. Then they went after the trade unionists, but I was not a trade unionist, so I did not object. Then they came after me, and there was no one left to object." [1]

That was, of course, from Pastor Niemoller, and it still sends a shiver up my spine.

Now for a rundown on legislative issues I have had to deal with, and perhaps you will evaluate them with me for first-amendment aspects.

From the time I was first elected to the City Council I have participated in efforts to define and regulate pornography, and I will not apologize for the continuing failure of both the city and state legislative bodies to find a solution. Our national Supreme Court hasn't too much better a record -- we all seem to be still groping for a proper definition, in the absence of which we cannot effect any regulation.

In this regard I think we have, appropriately, moved strongly only in the area of child pornography. If we are making our decisions based on freedom of choice, I think it is proper to consider children as not yet capable of making choices and decisions in this area.

I believe legislators also have the right to regulate the sort of blatant or flagrant display of pornographic material that others find offensive and that they cannot avoid. I believe this regulation can be separated from censorship or removal of the material itself, and generally it is the latter action which is perpetually argued in our courts.

If I had to make a prediction, I would say this somewhat steamy subject will be with us for a long time. There are no easy answers.

An early legislative dilemma turned up when the City Council wanted to help tidy up sidewalk clutter in Waikiki. The idea was offered that we might require newspaper sales to be made from a limited number of specially-designed coin boxes, thus eliminating the scatter of unaesthetic boxes cluttering up every corner. Sorry! Freedom of the press! Can't do that. That was my first brush with the First Amendment as a limiting factor for legislation.

Then there was the theater in Kaimuki very near an elementary school that ran "I Am Curious - Yellow" for weeks, and weeks, and weeks, and an outraged Scotty Koga wanted to shut it down. The subsequent argument fattened the theater bankroll and lengthened its lines for admission, but the City Council did not take action.

In the last legislative session we had heated discussion in the Senate Judiciary Committee about camera coverage of courtroom proceedings. This is a hard one. I think discretion has to be given to the sitting judge to decide to what extent television should record court proceedings. Someone has to balance the right to protection and privacy of, for instance, a nervous, traumatized rape victim whose testimony is essential to the prosecution against the right of the public to know. I should tell you that the media testified at our hearing that they were perfectly capable of exercising good judgment about what to put on the tube. I would be interested in knowing how you would have voted on this one.

Then there is the continuing drama of the Frank Fasi - Duke Kawasaki attempt to repeal Hawaii's failing newspaper act, and in the process make it necessary for the Advertiser, a privately-held company, to reveal its financial details to the world.

Then there is the matter of Hawaii's sign-waving politicians standing along streets and highways. It is an infuriating distraction to some; but it is a cheap way for the newcomer-politician to get name identity and, for this reason, is highly praised by others. The problem is that we cannot permit this as a form of inexpensive political advertising but forbid all others to wave signs. It is all or nothing. Radio stations and unions have the freedom to wave by the highway just as politicians do. We can ban them all if we can show they are hazardous to traffic, but we cannot ban some messages and allow others. How would you vote on this one?

I suppose what it boils down to is that the legislator has the obligation of applying a personal as well as a general litmus test to proposed laws to make sure there is no intrusion into First Amendment rights. I am not sure we always do - at least not consciously. What I think I have done for myself in getting ready to talk to you today is to articulate more specifically the litmus test, or the yardstick I ought to be using for measurement. I've been lucky, but it really is not enough to say, "It just isn't right."

I came across a description of what our Constitution provides which pleased me. It is a system of "ordered liberty." The whole quotation is worth repeating, I think. It is from Kelly and Harbison's book on the American Constitution:

> The charter drafted at Philadelphia nearly two centuries ago already has demonstrated repeatedly an amazing vitality, durability and capacity for survival as a useful instrument of government. This is not because the Constitution possesses any mystical inner sanctity but rather because it has proved to be a highly successful instrument for the fulfillment of the Enlightenment faith of its authors: the belief that reason, cooperation, harmony, and compromise are the main instruments forachieving human progress, and that it is within a system of "ordered liberty" such as the Constitution provides that free men are best able to solve the urgent problems of a dynamic society. That faith, it is evident, is the one to which the majority of the American people still subscribe. [2]

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INTELLECTUAL FREEDOM AND THE RIGHT TO KNOW: THE EDUCATOR'S CONCERNS

By Herman M. Aizawa

For generations, the traditional tasks of education involved teaching basic skills in reading, writing, and arithmetic, and passing on the accepted values of the community to the young. As knowledge has increased and as life has become more complex, however, educators have been given additional responsibilities encompassing the transmission of knowledge and the accommodation of social change.

In our society, which is characterized by diverse cultures and attitudes, it is no longer -- if it ever was -- the task of the schools to provide detailed facts about and final solutions to all of life's uncertainties and problems. This is especially true today when half of what is learned in the way of factual information will become obsolete in a decade and about half of what must be known ten years from now in order to function adequately is probably not available to the learner today. The more appropriate task is to equip students with the attitudes and skills of inquiry, analysis, and judgment with which they can cope with expanding knowledge and new intellectual and vocational demands. For a future that will include vast changes, the emphasis should be on how to meet new situations and on the skills of research, observation, logic, and communication. It should also include the development of attitudes appropriate to change and a commitment to flexibility and reason.

From its beginnings, public education in Hawaii has been committed to the provision of quality education for its children. The Hawaii school system has striven to provide programs that are simultaneously intellectual, aesthetic, and practical. These programs embody instructional practices that assure the learner will acquire knowledge relevant to living in the present and the arts and skills of knowledge-making for preparing to live in the future.

The major role of education is perceived as providing experiences that enable students to learn to think and act intelligently in achieving maximum self-fulfillment and in attaining

the knowledge, skills, abilities, attitudes, and appreciation essential for perceiving and contributing to the strength of their community, state, nation, and world. Effective learning is predicated on providing maximum participation of students in the learning process, insuring that personal meaning derives from curriculum content, instructional modes, and evaluative procedures.

Provision is made for incorporating many diverse experiences throughout the school years to assist learners in realizing to the fullest their unique potentialities, as well as to make certain that appropriate attention is directed toward the problems and progress of society.

These basic goals are most clearly articulated in the Foundation Program for the Public Schools of Hawaii. There are eight major objectives of the Foundation program, which were first derived from the Master Plan for Public Education. They stipulate that by the time students graduate from school, they should demonstrate:

1. Basic learning and communication skills at their proficiency level.
2. Positive self-concept, therefore the ability to relate to others.
3. Decision-making skills at the proficiency level, including process skills.
4. Independence in learning.
5. Positive habits and attitudes toward their physical, mental, and social health.
6. A realistic picture of the world of work and their own role in it.
7. A philosophy based upon values conducive to the development of sound character, moral, and ethical values.
8. Appreciation of beauty and motivation to create it.

Collectively, these eight Foundation Program objectives provide the base of what all students need if they are to be contributing, respectful, responsive, and resourceful citizens. If one of these objectives has to be identified as the most essential skill in today's society, where attitudes and technologies are rapidly changing, it is objective number 3 -- Developing skills in problem - solving and decision-making. That one objective most

directly relates to the focus of this symposium. It deals with why we all should have the "Right to Know;" so all of the relevant data can be examined and, in that way, the best decisions possible can be made. If we were limited in the quality and quantity of information, surely decisions would fall short of being satisfactory.

As mentioned in the opening statements, due to the vast amount of knowledge available now and projected in the future, teaching only to the information or knowledge level is inadequate. Our students need to be provided with information processing skills that at the minimum would contain these major components: assessment, analysis, goal and objective setting, strategies and activities to meet the desired ends, measurement and evaluation to determine the level of success, and recycling as necessary.

To implement this paradigm in our schools, educators must be able to design learning experiences that sprovide the pupil with a sense, recognition and knowledge of the varied and often conflicting values of contemporary society. Within this framework, pupils should be presented with options that are open to them, as well as provided with sufficient time to explore and contemplate each option. These experiences, too, should also encourage pupils to make commitments and to anticipate and accept the consequences of their choices. Finally, this process must give pupils the opportunity to test, refine, and adjust the goals they have chosen.

Thus, the student needs to study the virtues and problems enmeshed in our increasingly urbanized society. This necessitates an exploration of the conflicts, inconsistencies, and lack of completeness characterizing our system of values. The pupil must be given the encouragement to advance new beliefs and values as the conditions in which our values find their expression change. Above all else, opportunities for thoughtful and reasoned discussion and debate must exist in the school setting to assure consistent attention to these fundamental matters.

In attempting to meet these goals, our public schools have initiated and implemented numerous programs over the years. These programs have sometimes come under close and critical scrutiny by parents as individuals and by groups within the community. Ten years ago, it was over the social studies program, Man: a Course of Study (MACOS). More recently, concerns have been raised over sex education and in particular,

the Waialua Reproductive Information, Counseling and Education program, popularly known as the RICE Program, and over values education.

Within the past several years, concerns have been voiced most frequently by individuals who have associated themselves with the fundamentalist right. This group fears that the schools have embraced "secular humanistic teachings" and have veered away from fundamental "absolutes" and from the "concept of family."

Inherent in all of these concerns is the fact that some members of the community believe that much of the content of these programs is the sole responsibility of the parent and the home. They believe that the schools should not be addressing or dealing with these issues, and that by analyzing, studying or even discussing them, the schools in essence challenge the home and family and questions the beliefs and truths taught at home.

For those issues that are governed by our laws and democractic ideals, little conflict arises. The difficulty emerges when individual preferences, opinions, and beliefs are promoted as "absolutes" or what must be taught or supported in the schools.

Thus the potential for conflict between what a family may want versus what is being presented in school is obvious. Now, because of this, are we headed for irreconcilable differences? I think not, for there are processes that allow for interaction and discussion between the department and/or the Board of Education and any community member or group. In addition, current policies insure responsibility on the Department's part and provide options to students and parents.

The Board of Education and the Department of Education provide forums for individuals or groups to present their concerns about the curricula that are being offered in the schools. Requests may be made to these agencies to change the curricular policy on any program that parents feel is not conducive to their child's development.

Besides directly addressing the Department and/or the Board of Education, the community should know that the Department of Education follows a controversial issues policy that requires teachers to refer students to resources reflecting all points of view when discussing issues that generate opposing points of view, and that discussion be maintained on an objective, factual level.

The basis of this policy is to ensure that discussion on controversial issues be a carefully planned process of learning how to make judgments based on facts.

The Department also has an instructional materials policy that governs the selection and use of materials and resources in the schools. The responsibilities at the school, district, and state levels are described in the regulations of this policy.

These guidelines emphasize the importance of providing instructional resources that enrich and support the curriculum; that encourage growth in knowledge; that help to develop literary, cultural, and aesthetic appreciation; and that reflect the ideas and beliefs of religious, social, political, historical, and ethnic groups and their contributions to the American and world heritage and culture.

The teacher's right to teach is also upheld in an agreement between the State Board of Education and the teachers' collective bargaining agent. The agreement states:

> The parties seek to educate young people in the democratic tradition, to inspire meaningful awareness of and respect for the Constitution and the Bill of Rights, to instill appreciation of the value of individual personality and to foster a recognition of individual freedom and social responsibility. It is recognized that these democratic values can best be transmitted in an atmosphere which is conducive to inquiry and learning and in which academic freedom for teacher and student is encouraged. Academic freedom shall be guaranteed to teachers and they shall be encouraged to study, investigate, present, and interpret objectively facts and ideas concerning man, society, the physical and biological world, and other branches of learning subject to established courses of study.[1]

The Department of Education recognizes that along with the teachers and the students, parents have a legitimate interest in determining the appropriateness of what is taught in school. As mentioned earlier, there are available for parents established channels for challenging materials or for pursuing specific concerns.

Most critical, however, is the need for schools to foster communication so that all segments of the school community are fully apprised of all programs. Consultation on new or proposed programs, and parent participation in whatever way possible should be encouraged. The community, the Board of Education and the Department of Education all have a comon goal -- that of providing the best educational environment for the students. To be successful we all, parents and community members, administrators, students and teachers must work together, "hana lokahi kakou." The day of totally abdicating the responsibility for the education of our students to the DOE is long past. Only with widespread involvement will we reach the level of success we all desire.

Our own experiences and studies continue to point out that effective parent involvement can contribute to improvements in educational programs and in students' learning. Recognizing that parents and communities have differing expectations, needs, and concerns, School Community Councils have been established in all schools to help assess and meet needs at local levels. Successful community involvement in school matters has depended on the use of reliable guidelines and systematic procedures on how parents and school personnel can work together for the benefit of the students. In addition, parent education programs are being made available through various adult education and community college classes.

In conclusion, a democratic society is dependent upon the free, full growth of individuals who will participate in the creation and development of the institutions in that society. As educators, we share with parents the responsibility of producing citizens who have positive attitudes toward learning and inquiring, who communicate effectively, and who are guided in making choices from critically determined and commonly shared values. A vital cornerstone in this effort is the intellectual freedom to pursue quality and diversity in thought and expression in all classrooms. Only within this kind of learning environment can we expect to develop students who are respectful, responsible, responsive and resourceful.

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INTELLECTUAL FREEDOM AND THE CONCERNS OF RELIGIOUS GROUPS REGARDING LIBRARY AND INSTRUCTIONAL MATERIALS

By Cromwell Crawford

The Bill of Rights of the United States Constitution guarantees freedom of the press, of speech, and of religion. Even so, at no time in American history has evangelical fervour allowed these rights to stand in the way of its holy crusades of censorship. Evangelical Christians rallied behind the Sedition Act of 1798 which virtually nullified the First Amendment freedoms of speech and press. In the Antebellum South, slave states suppressed abolitionist literature. Prior to World War I, there were vigilantes like Anthony Comstock (1844-1915) who authored the Comprehensive New York State Statute (1868) which forbade immoral works. In 1873 he founded the New York Society for the Suppression of Vice. Apparently, there was much vice in New York City, for, as secretary of the Society, Comstock personally destroyed 160 tons of literature and pictures! This weighty defense of conventional morality inspired the formation of the Watch and Ward Society of Boston by other religious groups.

Subsequent to World War I, the battle between liberals and conservatives sharply widened, the latter succeeding in barring the entry of many literary classics into the United States, including Ulysses by James Joyce, Lady Chatterly's Lover by D. H. Lawrence, Fanny Hill by John Cleland; and also the Kama Sutra, a piece of Hindu Scripture--and thereby hangs a tale!

The year 1957 marked the beginning of a liberalizing trend with the Supreme Court striking down many state obscenity laws, but this process was somewhat set back in 1973 when the Supreme Court ordered that the question of obscenity should be matter for the states to decide in accordance with local standards of morality. The greatest furor of the '60's and '70's was the controversy waged against sex education in public schools. Sex--with or without education--has been a perennial preoccupation of the Puritanical mind, going back to early American history. The year 1844 saw the publication of what may have been the first book on sex education: Important Facts for Young Men. It purported to show the "destructive effects of masturbation and the frequency of hernia and rupture." [1] The errors of 1844 were carried into the mid-1920's which heralded the advocacy of sex education by the Child Study Association and

the National Congress of Parents and Teachers. By 1969 a Gallup Poll showed that seven out of ten parents favoured instruction in sex education, but the concomitant rise of censorship cases made it fatuous to conclude that these figures marked the final triumph of reason over bigotry. [2]

In our present time, the foundations of intellectual freedom have been severely shaken by the rise of self-appointed censors in public schools. The Office of Intellectual Freedom of the American Library Association reports that the period between 1975 and 1979 witnessed a three-fold rise in schoolbook censorship as compared with the preceding ten years. In 1980, the OIF declares, there were one thousand reported attempts at censorship, tripling the rate once more. But, according to the testimony of Judith Krug, OIF director, these figures are "only twenty to twenty-five percent of what's going on." [3]

In July 1981, the Association of American Publishers conducted a national survey involving some 7500 public school librarians and administrators. Of the 2000 respondents, 19 percent of the librarians reported cases of censorship, one-third of which resulted in the restriction or removal of books found to be offensive. The chairman of the Survey Committee, Anthony Schulte, executive vice president of Random House, commented, "Many teachers and librarians are now so fearful of trouble that they practice unreported self-censorship by simply not ordering or using books that involve 'risks.' The total impact is chilling." [4]

Identifying "risk" is itself a risky operation, considering some of the books that have been excised by the censor's scalpel. Huckleberry Finn and Mary Poppins have been dissected for "minority stereotyping"; I Want to be a Nurse for "sexist" role-casting; Robin Hood for romanticising robbery; novels such as Catcher in the Rye, Of Mice and Men, and Brave New World, for treating social issues in ways that are "obscene," "blasphemous," and "un-American." Were these guardians of morality citizens of ancient Rome, one might speculate with Voltaire that "we should have today neither Horace nor Juvenal, nor the philosophical writings of Cicero."

Several cases have been taken to court, but justice has hardly spoken with a unanimous voice, especially in regard to decisions rendered on the state level versus the federal level. The National Coalition Against Censorship has issued a summary of "current court cases" (July 31, 1980), along with a summary of decided cases. A few examples will be cited to shed light on the

concerns of religious groups involved in censorship of school books.

Indiana

Arguments were heard by the Seventh Circuit Court of Appeals on May 7, 1980 in the case of Zykan v. Warsaw Community School Board. The appeals court is reviewing federal District Court Judge Allen Sharp's ruling that Warsaw students' First Amendment rights were not violated when pages were cut out of class copies of the book Student Critic; further classroom use was prohibited for five books, Values Clarification, The Stepford Wives, Go Ask Alice, The Bell Jar, and Growing Up Female in America; and ten courses were deleted from the curriculum including Values Clarification, Black Literature, Gothic Literature, Folklore and Legends, Science Fiction, Shakespeare and Creative Writing.

Zykan is one of a number of federal suits against the Warsaw school board which were brought on behalf of dismissed teachers, parents and students. Forty copies of Values Clarification, one of the removed titles, were burned by a senior citizens groups. Four of the banned books had been used for a course on women in literature, the teacher of which was fired for protesting. A student who wrote in her school newspaper about teacher dismissals was asked to resign from the paper; when she refused, the paper was shut down.

Massachusetts

In the summer of 1976 U. S. District Court Judge Joseph Tauro ordered the Chelsea, Massachusetts school board to restore to the high school library copies of an anthology of writings by adolescents, Male and Female Under 18. The board's decision to remove the book was prompted by one parent's objection to the language of one selection, "The City to a Young Girl," a poem written by a 15 year old New York City high school student. The suit was brought by students, parents, teachers and librarians.

In his decision, Judge Tauro stated,

What is at stake here is the right to read and be exposed to conversial thoughts, a valuabe right subject to First

> Amendment protection. The most effective antidote to the poison of mindless orthodoxy is ready access to a broad sweep of ideas. There is no danger in such exposure; the danger is in mind control." [5]

A perusal of these cases makes one wonder how individuals and small groups have been able to muster political clout that far exceeds their numbers and stations in life. The truth is, they are not alone. A number of national advocacy groups have descended on local communities and are providing them with sophisticated resources to promote their religious protests. There is Jerry Falwell's Moral Majority, and Phyllis Schlafly's Eagle Forum. These are the Big Brothers and Big Sisters of Christian America. When Eagles shriek, sparrows take to flight. Confronted by such formidable foes, educators often capitulate prematurely. A case in point: Elementary school teachers in a small town in Indiana had selected texts for their classes which were authorized by state officials. A parent, finding the selection offensive to her fundamentalist church on the grounds that there were two pictures in the series depicting a game of cards, threatened to sue the board if the books were purchased. Unwilling and unprepared to go through the rigours of a law-suit, the superintendent decided he would rather switch than fight.

Superintendents are often caught in this predicament because they themselves are unfamiliar with the literature. This informational gap is currently being filled by "two most influential people in education today."[6] Mel and Norma Gabler of Longview, Texas. This fundamentalist couple heads the Education Research Analysts, the most extensive textbook review service in the nation. Annually they review some sixty books and provide resources for more than 13,000 persons and groups. The state of Texas, which boasts ten percent of the nation's school book purchases, is their chief client. The Gablers state in a recent report: "We submitted 659 pages in our Bill of Particulars against 28 textbooks. God saw fit to direct the Texas State Textbook Committee to remove 18 of these objectionable texts." [7] It seems God's objections were chiefly directed against books which were less than complimentary to His work of creation in six days, His chosen nation, His ordained system of economics, and the patriarchal family.

The Gablers belong to the New Christian Right. This is a collective term for conservative Protestant forces that emerged in the 1980 elections. The most prominent group is the Moral Majority, but there are others—The Christian Voice, The Christian

Voters Victory Fund, The National Christian Action Coalition, The Christian Freedom Foundation, and The Religious Roundtable. The political arms of these religious organizations are: The American Conservative Union, The American Security Council, The Committee for the Survival of a Free Congress, the Conservative Caucus, The Heritage Foundation, and The National Conservative Political Action Committee.

> The politics of the New Christian Right is the politics of nostagia. It calls for us to remember and to return: to remember the old ways and to return to a time when the wicked did not bear rule. It does not matter very much that such a time never existed. It is the rhetoric and the vision that are important, because the essence of both is certitude in the face of the ambiguities of modern life. The American was the "New Man" who built an empire in a "Promised Land" and had a "Manifest Destiny." His value system was properly based on scriptural imperatives, patriotism, the traditional family, postponed gratification, discipline, moneymaking, preparing for war and, most important, moral rectitude. [8]

The techniques employed by the Christian Right for restoring America to her pristine past account for its phenomenal success. Masters of mass communication, they use computerized mailings, newsletters, radio, and television. The electronic church with its 66 syndicated programs is viewed by some 25 million persons every week.

The tactics employed by the preachers are at least 50 percent Biblical. They are "wise as serpents," but not always "harmless as doves." One tactic is to seize on single issues. Paul M. Weyrich, director of the Committee for the Survival of a Free Congress, "convinced Falwell in 1979 that it could mobilize blue-collar Catholics around such issues as abortion and become 'the Achilles heel' of the liberal Democrats." [9] Another tactic is holding national public affairs briefings. In 1980 Edward McAteer, director of the Religious Roundtable, "organized public affairs briefings across the country that were attended by more than 40,000 conservative religious leaders, almost half of them fundamentalist preachers." [10] Another tactic relies on the spectre of a national conspiracy. Howard Phillips, whose job in the Nixon administration was to dismantle the Office of Economic Opportunity, seized an opportunity of his own. "Phillips correctly calculated the place of conspiratorial fantasy in the minds of many of his evangelical troops. It is important for the religious

right to give the impression it is being betrayed by someone." [11]

This brings us to the values and causes espoused by the New Christian Right. An important document in which these are catalogued is Senator Paul Laxalt's bill, the Family Protection Act. Its 38 proposals include the removal of prayer in public schools from federal court jurisdiction; empowering parents with inalienable rights to censor textbooks; authorizing local school boards to segregate sports on the basis of sex; disqualifying college students "voluntarily unemployed" from receiving food stamps; denying those who cohabit without marriage from receipt of tax advantages; and the withholding of federal funds from those programs that portray homosexuality as an "acceptable alternative life style."

The question arises: From whence has the New Christian Right derived these values and how deep are its roots? It is a lineal descendant of Fundamentalism--a hard line branch of Protestant evangelicalism. The chief doctrines of this late nineteenth century orthodox movement are scriptural inerrancy, belief in Jesus's virgin birth, substitutionary atonement, and physical resurrection. On these grounds Fundamentalists drew sharp lines between themselves and the "Modlernists." This Manichaean mania which divides the world into two camps is evident in today's movement. Tim LaHaye, a member of this group, states in his book, The Battle for the Mind, "As far back as we can go in reocrded history we find that man has always been aware that life was a battle between good and evil." [12]

These Christian soldiers have put on the whole armour of moralism. Church historian Martin Marty points out:

> Moralism, labeled "puritanism" in North America and dismissed by H. L. Mencken and his followers as the haunting fear that someone somewhere might be having a good time, was enhanced when Americans separated church and state. No longer "established," the churches nevertheless remained tax-exempt; and they needed to defend the largesse they received by demonstrating their value to the republic. They had to proclaim their moral contribution to the good society because they could not appeal to the rightness of their doctrine. The New Christian Right still cannot make such a general appeal, since its participants disagree with each other on

everything from baptism to the second coming of Christ. [13]

While evangelical moralism stridently maintained the autonomy of the individual to choose good over evil in the face of all odds, its catalogue of good works did not include working for peace, an omission passed on to its successor Marty states:

> Seeing history as a series of cosmic battles with the militant church at their center, the New Christian Right has disdained pacifists and looked suspiciously at peacemakers. Descended from a long line of hawks, in any tendency toward national crisis it chooses the military way. [14]

Further, believing that America is an elect nation, the conservative Christians of past generations tended to accept its socio-economic order as God-given. This theological linkage of creed and capitalism, which explains why books discussing welfarism and socialism are anathematised, is posited in Listen America! Falwell insists that "the free enterprise system is clearly outlined in the Book of Proverbs in the Bible." [15]

The only distinction between the old generation of conservatives and the new lies in the fact that whereas yesterday's preachers emphasized personal faith and criticized leaders of the Civil Rights movement for "meddling" in politics, today's preachers combine the two. This has led to a partial reversal of roles between liberals and conservatives. Marty says:

> The political conservatives favored "private" styles of religious life, while the moderates and liberals took on more "public" responsibility. Today the demarcation seems to be blurring. Political liberals now often retreat into experimental religion or faddish therapies, or if they wish to be of help in human welfare causes, they work at keeping the local churches healthy. It is the New Christian Right that now engages in the bolder forays into politics. [16]

Here we must counsel caution. While the political influence of the Christian Right must not be minimised and its vast outreach through the electronic media must be reckoned with, the figures must not be over-rated. A group such as the Moral Majority has a built-in predilection to exaggerate its own strength, an error that is exacerbated by the tendency of the

media to inflate figures in order to sensationalise social tensions. Professor Ralph Chandler, a political scientist, states: "One of the reasons for the religious right's successes is that many Americans, including some who make laws, believe the religious right is as numerically strong, influential and representative as it says it is. Research suggests otherwise." [17]

Conservative Christians had hoped for more support for their programmes from the Reagan Administration. Instead, their concerns categorized as "social programs," have been relegated to the status of secondary public policy due to the press of weightier matters of defense and fiscal policy. So far as the future is concerned, we can anticipate the conservatives on the federal level making common cause with other Rightist groups among the Catholics, Mormons, and Jews on such single issues as constitutional amendments to limit or prohibit abortions, national legislation for school prayer and other related matters designed to strengthen the American family.

The degree to which they have lost ground on the federal level will be the degree to which they will try to gain ground on the state and local levels. Marty predicts:

> New Right groups are likely to take out their frustrations on the local level; and state leaders of the Moral Majority have already made their early moves. In hundreds if not thousands of school boards, library boards, or on main streets where they can protest x-rated films and adult bookstores--anywhere where a few score of dedicated people can conquer the apathetic—they will fight their chosen battles and win some. [18]

But such victories will be hollow. Censorship cannot get at the evils besetting our society because censorship is an evil in itself. It is self-defeating. In the long run it creates a society which is incapable of exercising true discretion; a society unable to distinguish between independence of thought and the imitation of thought.

Censorship is undemocratic. Speaking precisely against all forms of majoritarianism, John Stuart Mill declares:

> If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind...

> the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error. [19]

Censorship is not only immoral and undemocratic, it is unchristian. The God of the New Right is certainly a "Christian" God; more correctly, a "born-again Christian" God. And therein lies the fundamental fallacy, absolutising the relative and relativising the Absolute. Aware of this danger, Jesus counsels his followers to refrain from judging, not in a literal sense, but in the sense of always acknowledging human fallibility. To the contrary, today's "Christian" censor is a person who knows more than he thinks you ought to.

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PUBLIC EDUCATION AND THE CHRISTIAN PARENT: NEW OPPORTUNITIES FOR THE LIBRARIAN

By Royal T. Fruehling

I want to focus today on the growing response of Christian parents to what they see as their decreasing power to determine the content of that education their children receive from the public schools. The issue involved is summed up in the question: To what degree does a community (or various ethic, religious, or social class groups within it) have the right to determine the content of that education their children will receive? It is an issue that is particularly thorny in a complex and pluralistic society.

I can hardly be a totally objective observer, for my participation on this panel is in the capacity of an educator, an educationist, a parent, a taxpayer, and a Christian. That last term simply means in my case a follower of Jesus Christ.

I would like to provide for you a context in which to better view the issue at hand and, at the same time, to emphasize what Seymour B. Sarason calls the universe of alternatives. To that end, I would like to have you briefly consider four things:

1. That changes in American society, especially since World War II, have contributed to the breakdown of a more society-wide consensus and to the growth of single and special interest groups, among them certain organized groups identifying themselves as "Christian."

2. That many of these groups are, in many ways, like other groups organized for the purpose of lending political weight to their attempts to have their particular point of view reflected in school policy and practice.

3. That there are different categories of "concerned Christians."

4. That librarians, rather than only having to assume a defensive position against those who would remove all that they find objectionable, can instead also assume the position of resource person and facilitator for a more positive community dialogue.

Any attempt to explain this phenomenon of organized Christian interest groups in terms of "a rise of the New Right," or "the search for simple solutions (censorship) to complex problems," or "the spread of religious fundamentalism" is to overlook a complex set of factors that have been operating in American society since the end of World War II.

First, there has been the growing breakdown of continuity in the socialization of the young. Such discontinuity is not a new experience for immigrants and many other ethnic and racial minority groups in American society, but it is quite a new experience for many members of the American middle-class. In the past, some semblance of community consensus had increased the probability that various socializing agents within the middle-class (parents, teachers, ministers, church school teachers, etc.) would reinforce the values of the home or similar values. Now no such consensus is guaranteed and, additionally, families find they must cope with the intrusion of "outside" values via the mass media.

Second, one must consider the consequences of the trend to consolidate small school districts into massive single districts served by high schools with a population of several thousand students. Such high schools seem no longer to belong to an identifiable community (defined by geography, a common set of traditions, face to face interpersonal relations among the members, etc.). What had been a transactional relationship--for better or for worse--between the community and the high school, has now become a more limited and bounded one.

Also, it has become the case that school faculty members increasingly come from areas (communities?) outside of the one in which they work. In the process, they often bring with them values and beliefs that are at odds with those of the community in which the students and their parents live and in which the school is located.

There also has been, at the same time, a movement away from public education as primarily a local and state concern to education as the federally funded means for implementing national policy (desegregation, national defense, war on poverty, integrating the disabled, bilingual education, etc.)

In addition, the growing pluralism of the student population itself has made it increasingly difficult to define the "common

good" in terms of an earlier consensus. That consensus was largely Protestant and Anglo-Saxon and envisioned the perpetuation of a Christian republic. It also reflected a common set of economic interests of local elites that shared similar ethnic and religious backgrounds.

Also, not to be overlooked during this time, has been the growth of organized teacher union power and a sense of professionalism that often has resulted in teachers being at odds with members of various ethnic minority and other groups that were becoming empowered at the same time. Very often the message that parents of all social classes got from the school establishment was that they ought to leave education to the professionals.

Finally, there has been the tendency for the school, for a number of reasons, to take on the former responsibilities of the home and other social institutions.

Frustrated Christian parents are not alone. They have much in common with:

1. Blacks who protest the presence of books like Little Black Sambo and Huckleberry Finn or textbooks with only white persons pictured and materials they consider "racist and stereotyped."

2. Women protesting materials they consider "sexist" and textbooks that show women only in "stereotyped" roles.

3. Persons with disabilities who protest "latent handicapism" in school policy and practice, the absence of persons with disabilities in textbooks, and the presence of textbooks that feature the disabled as persons to be pitied or singled out for special admiration.

4. Members of the Council for Basic Education who protest that the school has strayed from its "historic mission" of teaching the "basic," fundamental skills in favor of teaching a diluted curriculum and emphasizing "social engineering."

So while not a unique special interest group, Christians can be categorized according to their response to what they see as "unacceptable" trends in public education. There are those who place their children in private or church related schools where the curriculum reflects the values of the home. Then there are

those who want specific Christian or Judeo-Christian content and practice to be part of the public school curriculum and work for the removal of that which they find offensive to them. They also advocate prayer in the schools, bible reading, and creation science. Finally, there are those who believe that, in determining policy and practice for the schools, all persons affected by such policy and practice should have a voice in determining it. They emphasize searching for those moral and ethical values which will command the highest degree of community consensus, rather than searching for and removing that which they might find objectionable. They support the traditional separation of church and state, but believe that there are values that can be emphasized in the school that are acceptable to Christians and non-Christians alike—values that are compatible with Christian values, but which are not uniquely Christian.

This latter group of parents believes that their point of view should be considered, along with that of other parents and citizens, in forming a community consensus that, in turn, should become the basis for the value position that will come to characterize the school. They realize, quite correctly I think, that a neutral position is never possible.

We are beginning to hear of school districts where such a community value consensus has been attempted as the basis for structuring the moral climate of the school. A description and discussion of such attempts have appeared in the Phi Delta Kappan and Christianity Today magazines.

The role of the librarian in such a situation becomes that of a facilitator and resource person serving to enhance the process of dialogue and helping the participants to find examples of those value positions on which there appears to be community consensus.

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CHRISTIAN EDUCATION AND FIRST AMENDMENT RIGHTS

By Daniel J. Dever

Christian educators can deal with the First Amendment issues of intellectual freedom and censorship objectively on the condition that they see themselves as a minority group in a pluralist society.

Christians, as well as the multiplicity of groups that make up our society, are expected under the Constitution to subscribe to the general conviction that freedom and constraint must be held in some kind of balance. The consensus is, however, that where tension arises and the balance is in jeopardy, the presumption is in favor of freedom over constraint.

Not only individuals and minority groups, but government, too, is bound by this presumption in favor of freedom in the civil order. It is the primary orientation of our constitutional law and it maintains a highly honored place in the history of jurisprudence.

However clear the basic presuppositions of our pluralist society may seem, tension and confusion are the order of the day, especially when the issue is censorship. On the one hand, public authority may go beyond what is reasonably or socially necessary, or fail to act judicially, in attempting to exercise constraint. Individuals and groups, too, may try to use, improperly, the coercive power of the law to achieve their otherwise legitimate moral standards and goals.

Despite the tensions and failures that exist, no other society has better managed to secure the freedoms of the majority while protecting the rights of minorities to communicate their visions and values reasonably and persuasively to the majority.

The function that a minority may legitimately carry out in regard to censorship, and the restraint upon the function, was set forth with precision by John Courtney Murray in his book entitled, We Hold These Truths. I will conclude my remarks with the rules he proposes:

> First, within the larger pluralist society each minority group has the right to censor for its own members, if it so

chooses, the content of the various media of communication, and to protect them, by means of its own choosing, from materials considered harmful according to its own standards.

Second, in a pluralist society no minority group has the right to demand that government should impose a general censorship, affecting all the citizenry, upon any medium of communication, with a view to punishing the communication of materials that are judged to be harmful according to the special standards held within one group.

Third, any minority group has the right to work toward the elevation of standards of public morality in the pluralist society, through the use of the methods of persuasion and pacific argument.

Fourth, in a pluralist society no minority group has the right to impose its own religious or moral views on other groups, through the use of the methods of force, coercion, or violence.

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CREATIONISM AND FREEDOM OF CHOICE: A SCIENTIST'S VIEW

By Sanford M. Siegel

On the problem of Science vs Creationism, far too much has been said and written having little or no bearing on the real issues of intellectual freedom at stake.

I criticize scientists who tout science as a way of life, even a religion, for these it is not. I criticize scientists who view the methods and processes of science as comprising the sole pathway to the "truth," for this is a denial of all else of value in human culture.

I also deplore those who speak of absolutes in dead earnest, forgetting that all of our information about the world around us must ultimately be passed through our less than perfect senses, and all of our concepts generated in an organ also given to generating nightmares and hallucinations.

And, yes, by the same impartial logic, religion too belongs in public education. It is an integral part of human culture. Any child who has not been afforded the chance to learn about the teachings and moral precepts of great religious leaders is diminished as a person, as a thinking citizen.

But religious sectarianism has no place in public education. Those who desire for their children a parochial education -- and it is their legal right to do so -- can provide for it in parochial schools. Equally, science teaching has no place in Sunday school.

What then of "Creationism," "Creation Science," and "Scientific Creationism"? They are, in my view, names devised by single issue special interest groups who seem convinced that theirs is the unique path to truth, enlightenment, and salvation.

Before proceeding, let me identify myself: I am a scientist, and, given all of its frailties, I believe in the value of science for human good. And I believe in the essential role that science must play for the fullest realization of humanity's potentials. Are these prejudices? No, because they represent judgments based on years of observation and experience in teaching, in research -- academic, governmental, industrial. More than judgments, they

represent career-long convictions.

As a scientist I wonder at the so-called humanists who resent "scientific" descriptions of art and nature.

Are my sunsets less awesome because I understand the optics of light scattering? Are my gardens less beautiful because I know something of pigment chemistry? On the contrary, they are far richer, because the dimensions of the senses alone are multiplied manifold through an understanding of that which lies below the surface.

And the scientist who has no eye for Botticelli (or Klee) and no ear for Bach (or Bartok) -- no time for the intangibles of inner, subjective life -- is deprived as much.

Honest scholarship with all of its highly specific endeavors of the moment nevertheless deplores parochialism of the mind whether it finds expression as anti-humanistic science or anti-scientific humanism. Specialization focuses; parochialism excludes.

As expressions of culture, of the striving of humanity for enriched and expanding awareness, chemistry and biology, physics and geology are neither more nor one bit less than philosophy and music in intellectual value.

What, then, do we make of "Creation Science"?

Is there not an inner contradiction here? From its roots in the Latin "scire," to know, the term is indeed neutral. However, "science" has come to mean something quite distinct from knowledge undefined.

Bacon's Crescat Scientia, "Let knowledge increase" may well have been broadly conceived, but his name endures largely because his role in the formulation of the Doctrine of Scientific Method is fundamental.

Creationism, according to Webster, holds that: 1. Matter, the various forms of life, and the world were created by a transcendent God out of nothing, and that 2. the human soul is separately created in each individual born. Often these "theological doctrines" are combined as special creation, which holds that the earth and everything in and on it were generated by an almighty God by fiat ("In the beginning was the word.")

And the authority for his doctrine? It is the Bible, which, extending from Genesis through the full extent of the New Testament, provides the keystone of the Judaeo-Christian ethical and moral system. Is this same work also an historic, even prehistoric narrative? Some people think so, and I do not challenge their right of personal belief as matter of faith. But let us remember that the authority for that personal belief -- the focus for that faith -- is Divine Revelation, a doctrine wholly religious in nature. And while the tenets of that doctrine of faith may survive the contortions of biblical linguistics through Aramaic, Greek, Latin, Amharic, Old High German, Middle English, and so on -- the precision and accuracy of technical detail historically, demographically and phenomenologically have not. Even today, theologian-linguists still argue about words values and meanings. And if they are not certain, how can others be?

Whatever the human inclinations of scientists, science itself does not deal with those issues of faith and matter of the spirit so integral to religion. Its concerns are matter and energy; their patterns of distribution; their transformations; their microscopic and macroscopic properties within the cosmic setting. As practitioners of science, scientists cannot address questions of faith and spirit. Yes, some scoff at religion -- but they cannot honestly do so as scientists in practice. Surely, if an individual, whatever his or her calling, chooses to reject beliefs not amenable to the probings and measurings of Science, that is a right which every one of us dedicated to freedom of thought must defend and protect. And surely, the same protections must be offered to the believer, for no belief or idea or system of thought is safe from harrassment, persecution and suppression, if any held by others is in jeopardy.

Science seeks to account for material phenomena of life and of the universe which houses it without asking "why?" and without moralizing. An ecologist watching the owl swoop down upon the hapless field mouse may feel revulsion as fully as the next person. The scientist as a practitioner is not priviledged to judge right or wrong, good or evil, but is required to observe and analyze and seek to explain predation as a fact of nature. And yet, that same scientist (usually stereotyped in our society as a "liberal") may well be found joining a protest group about military actions (predation) in Central America or Southeast Asia -- a mark of the compassionate human whose profession is science.

Science has developed methods for observing and analyzing and explaining phenomena.

It has constructed an intricately cross-connected system of antecedents and consequents (not necessarily "cause and effect") because we are not all sure whether causality is a matter for scientists or philosophers.

The system of scientific knowledge and concepts forms a sort of matrix with strongly built-in controls over the fit of new data -- over the place and manner in which new data fits best. The system has been tested countless times over the past 500 years. It works! And because it works, you watch television in color; fly in jets at 10 miles per minute; drive non-stop for 2000 miles in three days past the world's most productive farms. You wear fabrics of a quality beyond the purses of 19th century rail barons; and you may be alive and well because antibiotics were available when they were needed.

It is important to understand that the same system of closeknit, interlocked ideas, extrapolations, interpolations, hypotheses, theories and empirical associations that, through application -- technology -- made these and many more modern "miracles" possible also generated the cosmological and evolutionary ideas that have become so controversial. What is the problem here? Why pick on science?

There are auto mechanics, business people, realtors, salesclerks, doctors, lawyers, sailors and senators who are atheists, and many more productive law-abiding citizens who are agnostic. And I know scientists -- able, productive scientists -- who are practicing Orthodox Jews, devout Roman Catholics, not to mention Methodists, Greek Orthodox, Moslems, Buddhists, and Lutherans.

So, why pick on science?

We deal here with people, not science.

If a public institution teaches welding, shall we require religious training in welders' school? Perhaps, therefore, we should also introduce welding instruction into church and synagogue.

Absurd!

Science becomes a target because it is powerful, persuasive and compelling. For all the human weaknesses of its practitioners, science works!

Science becomes a target because it respects only the authority of logical testable ideas and verifiable facts, and defies all other authoritarian demands.

Science makes enemies alike of the powerful who fear free and open inquiry and of the mediocre who resent those who rise by their excellence.

As scientific professionals we do not have to accept arbitrary authority by decree, what we as social creatures may willingly grant or cede to society.

The freedom of scientific inquiry and thought guarantees all of the freedoms this country stands for.

The Founding Fathers knew that — and the ideas of Science and Liberty were entwined in the fabric of the American Revolution.

The pursuit of scientific knowledge, like the practice of sectarian religion, is the prerogative of a free American people. Neither should dictate government policy. Separation of Church and State, a powerful principle of American government, was but a restatement of Jesus' own words. In our system, public education is "of Caesar" but the church and synagogue are "of God," and we secure both by guaranteeing each respectively its freedom.

Science is indeed a part of our culture. Any child denied a knowledge of the concepts and principles of science and of the history of scientific thought is intellectually crippled. But being informed does not demand belief.

Science should not dictate acceptance of its tenets, only knowledgeability.

I grant the Creationists them full and free expression in the open forum of our society.

I deny them the right of suppression because what they now direct at Science will ultimately extend to all of our other freedoms as well.

PROFESSIONAL ASSOCIATIONS AND INTELLECTUAL FREEDOM

by Sarah K. Vann

The American Library Association: In Defense of Intellectual Freedom

Through what channels may members of library and information science associations seek assistance in their commitment to the defense of intellectual freedom? While there are many associations in the United States, the American Library Association is the most representative since its concerns encompass those not only of all types of libraries -- public, schools (public and private), academic, federal, state and special libraries -- but also those of individual members. Founded in 1876, the Association is the oldest and largest national library association in the world. As of June 1982, its membership numbered 37,148 which included 3,260 organizations and 33,888 personal members. [1]

Librarianship has evolved slowly toward the recognition that intellectual freedom must be defended actively, and that with that defense comes confrontation, intimidation, anxiety, self-doubt. In librarianship, as in other professions, the depth of a commitment varies, but unless there is a strong commitment to intellectual freedom, the reaction is more often likely to be retreat, self-justification, or -- more destructively -- a silent, self-imposed censorship in the selection of resources for use.

Such a commitment is never more important than when a society is undergoing change, frustration, and confusion. It is during such times that voices of fear and absolutism can be expected to increase. These voices seek to impose, to restrict, to enforce conformity. When a pluralistic society is afraid or confused, it tends to limit debate and diversity while becoming more and more litigious. Threatening change makes a society susceptible to demagogues and fear brokers who skillfully manipulate individuals and groups with passionate certitude. To many this is in large part a profile of the American scene in the 1980's.

The present constitution of the American Library Association has as its objective "To promote library service and

librarianship." In fulfilling that objective, the Association has identified five priorities, one of which intellectual freedom, promises that ALA will promote:

> The protection of library materials, personnel and trustees from censorship.
>
> The defense of library personnel and trustees in suport of intellectual freedom and the Library Bill of Rights.
>
> The education of library personnel, trustees, and the general public to the importance of intellectual freedom. [2]

Further acknowledgment of the librarian's responsibility in defending intellectual freedom is found in the librarian's "Code of Ethics" revised and adopted by the Association in 1981:

> Librarians must resist all efforts by groups or individuals to censor library materials. [3]

Such proclamations of involvement in support of intellectual freedom reflect the current milieu in which the Association now flourishes; it would be beguiling, however, to imply that the Association committed itself to such a goal originally. The Association, like the National Education Association, founded in 1857, which adopted its first resolution of "The Freedom of the Teacher" in 1928, [4] was long in assuming a responsibility for intellectual freedom. Before identifying the current channels available to its membership, therefore, some nineteenth and early twentieth century attitudes will be reviewed.

At the time of its founding, The Association reflected views then prevalent, notably those expressed by Justin Winsor, its first president, who emphasized the elevation of taste of the reader as a responsibility. In his "Reading in Popular Libraries," Winsor advised that:

> Librarians do not do their whole duty unless they strive to elevate the taste of their readers, and this they can do, not by refusing to put within their reach the books which the masses of readers want, but by inducing a habit of frequenting the library, by giving readers such books as they ask for and then helping them in the choice books. [5]

Winsor reiterated his concern later when he warned librarians that:

> Your life as a guardian of a library is one of constant wariness and struggle. In fashion, in low taste, in unformed minds, you have an enemy who must be made to surrender. You must not despise him: if you do, you will give him an advantage that will result in your surrender to him. [6]

Contributions from librarians in the 1876 report, Public Libraries in the United States of America, made available during the Association's first meeting, reflected the existing and accepted views of elevation of taste, paternalism toward and protectionism of the reader, and exclusionism for the good of the reader. [7] The librarians should not be regarded, however, as traditionalists or intransigent in their views for they were mirroring the society in which libraries were flourishing. There is a near total absence in the periodical literature of the nineteenth century on such subjects as censorship, freedom, and intellectual freedom; there is much, however, on education. [8]

It was not until 1908 that Arthur E. Bostwick, then president of the Association, with emphasis on a library for the free use of the general public, openly condoned restrictive actions of librarians by advising that:

> I know of no more desirable classification of books for our present purpose than the old three categories--the Good, the True, and the Beautiful. Those books that we desire, we want because they fall under one or more of these three heads--they must be morally beneficial, contain accurate information or satisfy the esthetic sense in its broadest meaning. Conversely we may exclude a book because it lacks goodness, truth or beauty. [9] Books that distinctly commend what is wrong, that teach how to sin and tell how pleasant sin is, sometimes with and sometimes without the added sauce of impropriety, are increasingly popular, tempting the author to imitate them, the publishers to produce, the booksellers to exploit. Thank heaven they do not tempt the librarian. Here at last is a purveyor of books who has no interest in distributing what is not clean, honest, and true. The librarian may, if he will--and he does--say to this menacing tide, 'Thus far shalt thou go and no farther.' [10]

While repugnant to librarians in the 1980's, this speech is a landmark in that it is the first and last presidential address made during an annual conference encouraging censorship by librarians.

In less than twenty years, however, strikingly opposing views were being expressed. In 1927, Carl B. Roden, librarian of the Chicago Public Library and later president of the Association, and his Board of Trustees were drawn into a controversy with Mayor W. H. Thompson who objected to the views expressed in several titles, among them The Europe of Our Day, compiled by Herbert Adams Gibbons. (Chicago: American Library Association, 1927. [11]) The Board of Trustees rejected the demands made by Mayor Thompson, stating that "these books should be supplied to the library patrons that they may be acquainted with every shade of opinion," and added that:

> This exchange and freedom of though we consider the primary function of a library and in keeping with the American ideal of a free press. Any other course would lead to an arbitrary censorship as detrimental to American political liberty as to American academic thought. [12]

Though no confrontation actually occurred, the nation-wide publicity given to the incident identified the library as a bulwark against prejudices of intimidators such as Thompson. Though emanating from a library and not from the Association, the statement anticipated one of the articles of the yet to be formulated Library Bill of Rights.

It is evident, then, that the following definition of "intellectual freedom" generally accepted but never endorsed by the American Library Association would have been premature and irreconciliabled with nineteenth century, and, indeed, with early twentieth century librarianship:

> In basic terms, intellectual freedom means the right of any person to believe whatever he wants on any subject, and to express his beliefs or ideas in whatever way he thinks appropriate. The freedom to express one's beliefs or ideas, through any mode of communication, becomes virtually meaningless, however, when accessibility to such expressions is denied to other persons. For this reason, the definition of intellectual freedom has a second integral part; namely, the right of unrestricted access to all information and ideas regardless of the medium of communication used.

> Intellectual freedom is freedom of the mind, and as such, it is not only a personal liberty, but also a prerequisite for all freedoms leading to action. Moreover, as manifested in the freedom of speech and press dictates of the First Amendment, intellectual freedom forms the bulwark of our constitutional republic. [13]

The Association has moved slowly and occasionally ambivalently toward the fulfillment of this concept of intellectual freedom. Its first promising action was taken in 1929 when the executive board opposed paragraphs of the Smoot-Hawley proposed tariff that would have prohibited the importation of foreign literature deemed to be seditious or obscene. [14]

Four years later in 1933, in contrast, another Executive Board underestimated significantly the impact of book burning in Hitler's Germany and declined to take any action or position against such a crime. [15]

Following the Chicago episode in 1927, other concerns over censorship were made public, but it was not until 1939 that the Association adopted its first Library Bill of Rights, [16] developed not by the Association but by Forrest Spaulding, librarian of the Des Moines Public Library, and endorsed by that library in 1938. [17] A contributing factor to the readiness of the adoption of the document was the Association's concern over the censorial actions, even by some of its own members, taken against John Steinbeck's Grapes of Wrath, first published in 1939, [18] and now considered by many an American classic.

Though the Library Bill of Rights has been revised several times since 1939, it retains the spirit of the original relating to unbiased selection policies, balanced collections, and open meeting rooms. The 1948 version mentioned censorship for the first time and emphasized that it:

> Must be challenged by libraries in maintenance of their responsiblity to provide public information and enlightenment through the printed word. [19]

Thrice revised since 1948, the 1980 version reads:

LIBRARY BILL OF RIGHTS

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948, Amended February 2, 1961
June 27, 1967 and January 23, 1980
by the ALA Council [20]

In recognition of the impact of the first Library Bill of Rights, the Association created in 1940, one year after its adoption, a Committee on Intellectual Freedom to Safeguard the

Rights of Library Users to Freedom of Inquiry with Forrest B. Spaulding as its first chairman. [21] In the "ALA Handbook," 1947, the name appears as the Intellectual Freedom Committee, [22] and it continued to be the sole safeguarding voice of the Association until 1947, at which time the Office for Intellectual Freedom was created.

Throughout the years the Committee's scope of responsibility has been extended to include intellectual freedom for libraries and librarians. In fulfilling its assignment, the Committee has recommended policies to the Association, publicized information about censorship cases, sponsored exhibits at conferences, and conducted preconferences. At a preconference in 1967 on "Intellectual Freedom and the Teenager," a recommendation was made that an office be established in the headquarters of the Association "to coordinate the Associations's intellectual freedom activities and to defend librarians." [23] In response to that recommendation and to the mood of the time, the Association established the Office for Intellectual Freedom and plans for implementing its program were discussed at the 1968 conference by Judith Krug, newly appointed to the office. [24]

Both the Intellectual Freedom Committee (IFC) and the Office for Intellectual Freedom (OIF) continue to function, to identify and relate their responsibilities and concerns, and to offer manifest evidence of the Association's vigilant safeguarding endeavors. They also offer advice, encouragement, and, when possible, financial assistance to members of the Association.

In 1973, an Intellectual Freedom Round Table was created for the membership at large.

Brief information on these three channels for the defense of intellectual freedom and on two agencies with which the Association is affiliated follows:

1940

INTELLECTUAL FREEDOM COMMITTEE

1. Created: 1940 (original name: Committee on Intellectual Freedom to Safeguard the rights of Library Users to Freedom of Inquiry.)

2. Membership: 10 (appointed by Council)

3. Purpose:

    1. To recommend such steps as may be necessary to safeguard the rights of library users, libraries, and librarians, in accordance with the First Amendment to the United States Constitution and the LIBRARY BILL OF RIGHTS as adopted by the ALA Council.

    2. To work closely with the Office for Intellectual Freedom and with other units and officers of the Association in matters touching intellectual freedom and censorship. [25]

The following units and divisions also have intellectual freedom committees reflecting their special needs:

ALSC Association for Library Service to Children

ALTA American Library Trustee Association

YASD Young Adult Services Division

1967

OFFICE FOR INTELLECTUAL FREEDOM

1. Established: 1967

2. Director: Judith Krug

3. Purpose: The Office for Intellectual Freedom is charged with implementing ALA policies concerning the concept of intellectual freedom as embodied in the Library Bill of Rights, the Association's basic policy on free access to libraries and library materials. The goal of the office is to educate librarians and the general public about the nature and importance of intellectual freedom in libraries. To effect this goal, the office undertakes information, support, and coordination activities. They include distributing materials and information, preparing regular and special publications, maintaining the OIF exhibit, supervising liaison with the Freedom to Read Foundation (a trust), serving as liaison to the Intellectual Freedom Committee, coordinating activities of state intellectual freedom committees, and cooperating with other organizations whose purposes are similar to ALA's regarding intellectual freedom. All of these activities are carried on in accordance with the responsibility of the office to recommend, develop, implement, and maintain a total program for ALA in the area of intellectual freedom. [26]

4. Selected Publications

   ALA Policies on Intellectual Freedom

   "Library Bill of Rights"

   "Interpretations' of the "Library Bill of Rights"

   Intellectual Freedom Manual

   Newsletter on Intellectual Freedom

1971

STAFF COMMITTEE ON MEDIATION, ARBITRATION, AND INQUIRY (SCMAI)

1. Created: 1971 as the Committee to implement the Program of Action for Mediation, Arbitration and Inquiry.

2. Chairman: ALA Executive Director, Robert Wedgeworth

3. Purpose: Responsibility for mediation, arbitration, and inquiry relating to:

   tenure
   status
   fair employment practices
   due process
   ethical practices
   intellectual freedom (principles)

   as set forth in policies adopted by Council. (27)

1973

INTELLECTUAL FREEDOM ROUND TABLE

1. Created: 1973

2. Membership: 761 (open to membership)

3. Purpose:

   a. To provide a forum for the discussion of activities, programs and problems in intellectual freedom of libraries and librarians.

   b. To serve as a channel of communications on intellectual freedom matters.

   c. To promote a greater opportunity to involvement among the members of the ALA in defense of intellectual freedom.

   d. To promote a greater feeling of responsibility in the implementation of ALA policies on intellectual freedom.

4. Award

   Immroth Memorial Award for Intellectual Freedom. [28]

AGENCIES WITH WHICH THE ASSOCIATION IS AFFILIATED

Freedom to Read Foundation

1. Created: 1969

   The Foundation is a separate corporation with its own membership, income, and funding; it works in close liaison with the American Library Association through its Board of Trustees and Executive Director, who also serves as the Director and Secretary of the Office of Intellectual Freedom.

2. Purpose:

   a. To promote and protect freedom of speech and freedom of press.

   b. To protect the public right of access to libraries.

   c. To support the right of libraries to collect and make available any creative work they may legally acquire.

   d. To supply legal counsel and otherwise support libraries and librarians suffering injustices due to their defense speech and freedom of press. [29]

Leroy C. Merritt Humanitarian Fund

1. Created: 1970

   The Fund, established as a special trust in memory of Leroy C. Merritt is governed by a board of three trustees who are elected by donors to the fund.

2. Purpose:

   Devoted to the support, maintenance, medical care, and welfare of librarians who, in the Trustees' opinion are:

   a. Discriminated against on the basis of sex, sexual preference, race, color, creed, or place of national origin:

   b. Denied employment rights:

   c. Threatened with loss of employment or discharged because of their stand for the cause of intellectual freedom, including promotion of freedom of the press, freedom of speech, and the freedom of librarians to select items for their collections from all the world's written and recorded information. [30]

The activities, the achievements, the successes, the failures, changes long overdue in the infrastructure of the Association and the plans for the future of these channels lie beyond the scope of this paper. The following sources, in addition to the publications of the Office for Intellectual Freedom, contribute, however, to an awareness of the Association's progress and actions to anyone concerned:

The A.L.A. Yearbook. 1976-- Chicago: American Library Association

The Bowker Annual of Library and Booktrade Information. 1955/56-- New York: s R. R. Bowker.

and

Reports of Midwinter and Annual Conferences of the Association.

Articles in journals, such as American Libraries, Library Journal, and Wilson Library Bulletin.

Becoming involved in the defense of intellectual freedom may appear to be threatening and costly to those unwilling to accept the possible consequences. Those who wish to "serve the precious liberties of our nation: freedom of inquiry, freedom of the spoken and written word, freedom of exchange of ideas, [31] do not retreat from the challenge, for they know that "freedom is a dangerous way of life, but it is ours." [32]

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7. For example, see views expressed in Chapter XVI, "Free Libraries," by J.C. Quincy and Chapter XVII, "Public Libraries in Manufacturing Communities," by William I. Fletcher in Public Libraries in the United States of America.

8. Comment based on examination of entries in Poole's Index to Periodical Literature, 1802-1908. (New York: Peter Smith, 1938. Reprinted through special arrangement with Houghton Mifflin).

9. Arthur E. Bostwick, "The Librarian as a Censor," Library Journal 33 (July 1908): 257. For a more detailed analysis of the librarian as a censor, see Frederick J. Stielow, "Censorship in the Early Professionalization of American Libraries, 1876 to 1929," Journal of Library History 18 (Winter 1983): 37-54.

10. Bostwick, "The Librarian as a Censor."

11. "The History of Censorship in Chicago," Library Journal 52 (November 1, 1927): 1026; [The Chicago Censorship Question] Editorial, Library Journal 52 (November 15, 1927): 1078.

12. "The Chicago Censorship Question." Library Journal 52 (November 15, 1927): 1072. For a somewhat different version of the Chicago incident, see Dennis Thomison. A History of the American Library Association, 1876-1972. (Chicago: American Library Association, 1978).

13. American Library Association. Office of Intellectual Freedom, Intellectual Freedom Manual. (Chicago: American Library Association, 1974), p. vii. (Hereinafter cited as Intellectual Freedom Manual.

14. "Minutes of Executive Board Meetings," 5:11 (January 1, 1930), in Intellectual Freedom Manual, p. xiii. A letter from Carl L. Canon, chairman of the American Library Association's Committee on bookbuying, to chairman Smoot of the Senate Finance Committee was quoted in the New York Times, November 7, 1929: 5:2.

15. Quoted from "Minutes of Executive Board Meetings," 6:214 (October 15, 1933), in Intellectual Freedom Manual, p. xiii.

16. "Library's Bill of Rights," Library Journal, 64 (July 1939): 549.

17. Intellectual Freedom Manual, p. 3.

18. The book was banned in several libraries, among them libraries in East St. Louis, Illinois; Camden, New Jersey; and Bakersfield, California. Intellectual Freedom Manual, p. xv. The New York Times, November 15, 1939: 21:1, noted that the East St. Louis Library had ordered copies of Grapes of Wrath burned.

19. "Library Bill of Rights," ALA Bulletin 42 (July-August 1948): 285.

20. "Library Bill of Rights," Library Journal 107 (March 15, 1980): 677.

21. "A.L.A. Handbook," ALA Bulletin 34 (November 30, 1940): H-33.

22. "A.L.A. Handbook," ALA Bulletin 40 (December 15, 1946): H-30.

23. "A.L.A. Handbook," ALA Bulletin 41 (December 15, 1947): H-32.

24. "Intellectual Freedom and the Teenager," in American Library Association. Proceedings ... 86th Annual Conference, June 25-July 1, 1967. (Chicago: American Library Association, 1967), p. 147.

25. "Intellectual Freedom Committee," in American Library Association. Proceedings ... 87th Annual Conference, June 23-29, 1968: (Chicago: American Library Association, 1968), p. 22.

26. "Intellectual Freedom (Committee) (Standing, Council)," ALA Handbook, 1982/1983, p. 13.

27. "Office for Intellectual Freedom," ALA Handbook, 1982/83, p. 160.

28. "Mediation, Arbitration, and Inquiry, Staff Committee on (Standing)," ALA Handbook, 1982/83. p. 16; "Mediation, Arbitration, and Inquiry," The A.L.A. Yearbook, 1976, (Chicago: American Library Association, 1976), pp. 232-234.

29. "Intellectual Freedom Round Table," ALA Handbook, 1982/1983, p. 142.

30. "Freedom to Read Foundation," ALA Handbook, 1982/83, p. 217.

31. "Merritt Humanitarian Fund," ALA Handbook, 1982/83, p. 217; "LeRoy C. Merritt Humanitarian Fund," The ALA Yearbook, 1976. p. 209.

32. Letter from President Dwight D. Eisenhower to Dr. [Robert B.] Downs, President, American Library Association, Library Journal 78 (July 1953): 1206.

33. "The Freedom to Read," Library Journal 78 (August 1953): 1274.